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U.S. Department of Justice
Office of Justice Programs
Bureau of Justice Assistance

Bureau of Justice Assistance

The Edward Byrne Memorial State and Local Law Enforcement Assistance Programs

FY 1991 Formula Grant Program Guidance and Application Kit

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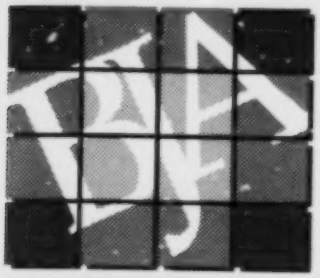

Bureau of Justice Assistance

The Edward Byrne Memorial State and Local Law Enforcement Assistance Programs

FY 1991 Formula Grant Program Guidance and Application Kit

April 1991

U.S. Department of Justice
Office of Justice Programs
Bureau of Justice Assistance

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The Assistant Attorney General, Office of Justice Programs, coordinates the activities of the following program Offices and Bureaus: Bureau of Justice Assistance, National Institute of Justice, Bureau of Justice Statistics, Office of Juvenile Justice and Delinquency Prevention, and Office for Victims of Crime.

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Introduction

This document was prepared by the Bureau of Justice Assistance (BJA), Office of Justice Programs (OJP), to establish program policy and administrative guidance to implement the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs authorized by the Anti-Drug Abuse Act of 1988, Pub. L. 100-690, Title VI, Subtitle C, see 102 Stat. 4329-4335, 42 U.S.C. 3750-3758. This document also describes procedures and requirements to apply for and administer formula grant funds.

Key Program Elements

The Anti-Drug Abuse Act provides financial and technical resources to state and local units of government, as well as the Federal government, to engage them in the nation's fight against drugs. The first National Drug Control Strategy was announced by President Bush on September 5, 1989. It, along with the second strategy released in January 1990, sets priorities and makes recommendations for action by Federal, state and local governments and communities to reduce drug use in this country. Key program and implementation elements from the Act and the National Strategy provide guidance to the states in their drug control efforts.

Drug Testing

Drug testing has been shown to be an effective tool in identifying drug users and discouraging use. Programs should be implemented within the state criminal justice systems to test defendants/offenders for drugs including arrestees, prisoners, parolees and those out on bail and to use the test results to make release decisions, set conditions of release, monitor drug use while under court supervision and make referrals to drug treatment. A description of the state's drug testing program should be included as part of the state strategy.

Street-level Enforcement

The National Drug Control Strategy identifies street-level drug enforcement as a "crucial component" of an effective drug strategy. It states that "street-level enforcement remains the best tool we have for restoring a sense of order and civility to neighborhoods where drugs -- with all their attendant crime, violence and decay -- have wrought havoc. The first priority of local drug enforcement, then, is to employ effective police methods capable of fighting drugs at the neighborhood level." States are encouraged to make street-level enforcement an important component of their strategy.

User Accountability

The criminal justice system has an important role to play in reducing the demand for drugs by holding drug users as well as dealers accountable for their actions. User accountability programs should be developed and implemented, including vigorous prosecution, use of fines for misdemeanor drug offenses and increased use of civil penalties (e.g., the loss of professional and drivers licenses, fines and community service).

Intermediate Sanctions for Non-violent Drug Offenders

Many drug offenders receive inadequate, if any, supervision. Alternative sentencing programs, including house arrest and boot camp programs, should be developed to hold non-violent drug offenders accountable for their actions.

Planning and Designing Judicial and Correctional Facilities

New judicial and correctional facilities are needed in many states to expedite drug cases and to punish drug traffickers and violent and repeat drug offenders. Formula Funds may be used for construction of penal or correctional institutions. Priority also should be given to planning and designing new judicial and correctional institutions.

Marijuana Eradication

The National Drug Control Strategy recommends expansion of programs to eradicate the domestic marijuana crop. Marijuana producing states are encouraged to increase their eradication efforts.

Evaluation of the Strategy

To be effective in the fight against drugs, we must know what works and what does not. An evaluation capability should be established within the state to evaluate the impact of the statewide drug strategy and programs and projects instituted to implement the strategy.

Key Implementation Elements

Coordination

Success in the fight against drugs requires coordination and cooperation at all levels, including intergovernmental, interdisciplinary and public/private sector.

Coordination of State and Local Drug Control Efforts with Federal Efforts - States should incorporate the recommendations from the National Drug Control Strategy into their state strategy with an emphasis on drug testing, street-level enforcement, user accountability, intermediate sanctions, planning and designing judicial and correctional facilities, marijuana eradication and evaluation of the strategy.

States are encouraged to contact and work with the Law Enforcement Coordinating Committee (LECC) of the United States Attorney(s) within the state. The LECC, which brings together Federal, state and local law enforcement and prosecutors, can serve as an important resource in the strategy development process. The LECC's role in the development of the strategy should be described in the application.

Coordination of Drug Control Efforts within the State - It is essential that state and local law enforcement, prosecutors, and other criminal justice personnel participate closely in developing the statewide drug strategy. Therefore, it is important that operational agencies representing the entire criminal justice system should be provided with an opportunity to make substantive contributions throughout the strategy development process. Thus, state planning agencies should not draft the strategy and then submit the document for review, thereby depriving operational agencies from making substantive contributions at the beginning of the strategy development process. States are encouraged to increase coordination among the criminal justice, treatment and education systems within the state to achieve a comprehensive and effective approach to drug control. States are also encouraged to promote multi-jurisdictional and inter-agency activities which result in increased coordination and cooperation among criminal justice agencies.

Local Participation in Strategy Development - Taking our neighborhoods back from drug dealers and getting the community involved in drug prevention efforts is primarily a local responsibility. Thus, local units of government, including police, prosecutors and other justice officials, especially in jurisdictions with major drug problems, should be actively involved in the planning and strategy development process including the initial stages.

Matching Requirement

The fight against drug use must involve the active participation of all levels of government and the community. The matching requirement encourages state and local units of government to expand the resources committed to drug control efforts.

Distribution of Formula Funds within the State

As part of the requirements for the Anti-Drug Abuse Act, the states develop a statewide drug control strategy which defines the drug problem in the state, analyzes current efforts and resource needs and establishes priorities for the implementation of the strategy. The distribution of the formula funds within the state should be based on the strategy and should give priority to those jurisdictions with the greatest need.

Drug-Free Workplace

Clearly defined policies against drug use in the workplace and employee assistance programs for workers with drug problems provide an effective means of reducing drug use in the American workforce. All grantees of Federal funds, other than an individual, must provide a drug-free workplace in accordance with Title V, Sec. 5153 of the Anti-Drug Abuse Act of 1988 as defined by 28 CFR Part 67, Subpart F.

Purpose of Formula Grant Funds

The purpose of the Edward Byrne Memorial State and Local Law Enforcement Assistance Program is to assist states and units of local government in carrying out specific programs which offer a high probability of improving the functioning of the criminal justice system. Special emphasis is placed on nationwide and multi-jurisdictional projects and projects that advance national drug control priorities. Programs and projects should be developed to assist multi-jurisdictional and multi-state organizations in the drug control problem and to support national drug control priorities. Sec. 501 (a) of the Act.

In accordance with Sec. 501 (b) of the Act, the states may award formula grant funds to state agencies and units of local government for the purpose of enforcing state and local laws which establish offenses similar to offenses established in the Controlled Substances Act (21 U.S.C. 801 et seq.) and to improve the functioning of the criminal justice system, with emphasis on violent crime and serious offenders. Grants may provide personnel, equipment, training, technical assistance and information systems for the more widespread apprehension, prosecution, adjudication and detention and rehabilitation of persons who violate such laws, and to assist the victims of such crimes (other than compensation). The authorized program areas are described in Appendix A. Programs that directly relate to drug control should be a priority for the use of formula grant funds.

Allocation of Funds to the States

Eligible Applicants

State Government

All states are eligible to apply for and receive formula grants. Sec. 502 of the Act. State, as defined in the statute, means any state of the United States and includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands and American Samoa. Sec. 901 (a) (2) of the Act.

Units of Local Government

Units of local government are eligible to receive subgrants from a participating state. Units of local government means any city, county, town, township, borough, parish, village or other general purpose political subdivision of a state and includes Indian tribes which perform law enforcement functions as determined by the Secretary of the Interior. Sec. 901 (a) (3) of the Act.

Allocation

Sec. 506 (a) of the Act provides that at least 80 percent of the total amount appropriated for this part shall be allocated for formula grants. The formula grant allocation is the balance of the appropriation remaining after a set aside for discretionary programs of 20 percent of the total appropriation or $50,000,000, whichever is less. Each participating state shall receive a base amount of 0.25 percent of the total formula grant allocation or $500,000, whichever is greater. The remaining funds are allocated to each state on the basis of the state's relative share of total U. S. population. The FY 1991 allocations by state are found in Appendix B.

For the purposes of this Section, American Samoa and the Northern Mariana Islands shall be considered

as the state, and 67 percent of the amount allocated shall be given to American Samoa and 33 percent to the Northern Mariana Islands. Sec. 901 (a) (2) of the Act.

If BJA determines, that a portion of the funds allocated to a state during any fiscal year will not be required or that a state will be unable to qualify or receive funds or that a state chooses not to participate in the program, then the funds available to that state shall be awarded by the Director of BJA to urban, rural and suburban units of local government orcombinations thereof within the state, giving priority to those jurisdictions with greatest need. Sec. 506 (d). Any funds allocated under the formula grant program which are not distributed in accordance with Sec. 506 (a) and (b) shall be available for obligation under the discretionary grant program. Sec. 506 (f) of the Act.

Administrative Requirements

Designation of a State Office

Sec. 507 (a) of the Act provides that the chief executive of each participating state shall designate a State Office for the purposes of:

- Preparing an application to obtain funds
- Administering funds received from BJA, including receipt, review, processing, monitoring, progress and financial report review, technical assistance, grant adjustments, accounting, auditing and fund disbursements
- Coordinating the distribution of funds provided under this part with state agencies receiving Federal funds for drug abuse education, prevention, treatment and research activities and programs

An office or agency performing other functions within the state's executive branch may be designated as the State Office. Sec. 507 (b) of the Act.

Distribution of Formula Funds Within The State

Variable Pass-through

Funds granted to the state are further subgranted by the state to state agencies and units of local government to carry out programs and projects contained in an approved application. Each state shall distribute to its local units of government, in the aggregate, the portion of the state's formula grant funds equal to the local government share of total state and local criminal justice expenditures for the previous fiscal year. Sec. 506 (b) (1) of the Act. In determining the portion to be distributed to local units, the most recent and complete data (1988) available from the Bureau of Justice Statistics (BJS), OJP, of the U. S. Department of Justice shall be used unless the use of other data has been approved in advance by BJA. The portion of each state's allocation which must be passed through to local units of government is found in Appendix B.

To request approval of a distribution ratio other than that announced by BJA, the head of the State Office must certify in writing to BJA that the ratio it proposes is a correct reflection of the local share of total state and local criminal justice expenditures and that the state has notified its major local governments of the request and informed them of the opportunity to contact BJA within 30 days if they have any objections. The written request must also cite the expenditure data used to substantiate the proposed change, which data shall be reviewed by BJS, prior to approval or rejection by BJA.

Distribution of Funds to State Agencies

Any funds not required to be passed through to local units of government may be used for programs administered by state agencies. Sec. 506 (b) (3) of the Act. States may exceed the variable pass-through by providing funds not used at the state level to local units of government.

Priority to Jurisdictions with the Greatest Need

In distributing funds, the state shall give priority to those jurisdictions with the greatest need. Sec. 506 (b) (2) of the Act.

45-Day Rule for Review of Local Government Applications

The state must make a decision on each complete application made by a local unit of government, or a combination of units of local government, within 45 days of receipt. An application shall be deemed approved by the state unless the state informs the applicant in writing within 45 days of the specific reasons for disapproval. The state shall not finally disapprove any application without first affording the applicant reasonable notice and opportunity for reconsideration. Sec. 508 (a) of the Act. The state may establish program priorities for submission of the applications based on their strategy and criteria. The failure of an application to conform to the program priorities or to meet the criteria may constitute reason for disapproval.

45-Day Rule for Making Funds Available to Local Units of Government

Within 45 days following BJA's approval of a state's formula grant application and notice to and acceptance of conditions by the state, the state shall make funds available to local units of government, or combinations thereof, whose applications have been submitted to, approved and awarded by the state. The Director of BJA shall have the authority to waive the 45-day requirement upon a finding that the state cannot satisfy the requirement consistent with state statutes. Sec. 508 (b) of the Act.

Matching Requirements

FY 1991 Federal funds may be used to pay up to 75 percent of the cost of a program or project.

Cash Match

The non-Federal share of expenditures shall be paid in cash. Sec. 504 (e) of the Act. Funds required to pay the non-Federal portion of the cost of each program and project for which a grant is made shall be in addition to funds that would otherwise be made available for law enforcement by the recipients of the grant funds. Sec. 503 (a) (3) of the Act.

Waiver of Matching Requirement for Indian Tribes

Funds subgranted to an Indian tribe which performs law enforcement functions (as determined by the Secretary of the Interior) shall be used to pay 100 percent of the cost of a program or project. Sec. 504 (a) (2) of the Act.

Use of Proceeds Received under the Equitable Sharing Program as Match

State and local units of government may use cash they received under the equitable sharing program to cover the non-Federal portion of costs of any BJA project or program.

Use of Proceeds from Asset Forfeitures as Match

A state or local unit of government may use forfeiture funds as match if state and local statutes allow for the collection and retention of such funds.

Administrative Costs

Given the increase in the formula grant allocation over previous years, states are encouraged to limit administrative costs to no more than five percent of their allocation. However, the Act allows up to 10 percent of grant funds to be used to pay for costs incurred in administering the formula grant program. Funds which are not used for administration of the program can be used to implement drug control efforts. Use of more than five percent of the funds for administration of the program should be justified in the formula grant application. There shall be a presumption that funds specifically designated for preparation of the application for funds, including the drug strategy and administration of the award, are being used for the benefit of both state and local agencies and are expended in accordance with the variable pass-through requirement.

Period of Project Support

Projects funded under the formula program may be funded for a maximum of four years (48 months) in the aggregate, including any period occurring before the effective date of this Act. The limitation on funding applies to all projects, with the exception of multi-jurisdictional drug task forces, which have received four years of formula and/or discretionary grant funding under the Omnibus Crime Control and Safe Streets Act as amended, including the Justice Assistance and the State and Local Law Enforcement Assistance programs or combination of programs. Sec. 504 (f) of the Act. The 4-year grant limitation for multi-jurisdictional drug task forces has been waived for FY 1991.

Because funding beyond the initial award is not guaranteed, projects should be designed with objectives achievable within the grant period.

Drug-Free Workplace

Title V, Sec. 5153 of the Anti-Drug Abuse Act of 1988 provides that all grantees of Federal funds, other than an individual, shall certify to the granting agency that it will provide a drug-free workplace by:

- Publishing a statement notifying employees that the unlawful manufacturing, distribution, dispensation, possession or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violations of such prohibition

- Establishing a drug-free awareness program to inform employees about:

  - the dangers of drug abuse in the workplace

  - the grantee's policy of maintaining a drug-free workplace

  - any available drug counseling, rehabilitation and employee assistance programs

  - the penalties that may be imposed upon employees for drug abuse violations

- Making it a requirement that each employee to be engaged in the performance of such grant be given a copy of the statement of notification prohibiting controlled substances in the workplace

- Notifying the employee that as a condition of employment in such grant, the employee will:

  - abide by the terms of the statement, and

  - notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction

- Notifying the granting agency within 10 days after receiving notice of a conviction from an employee or otherwise receiving actual notice of such conviction

- Imposing a sanction on or requiring the satisfactory participation in a drug abuse assistance or rehabilitation program by any employee who is so convicted

- Making a good faith effort to continue to maintain a drug-free workplace.

The U.S. Office of Management and Budget, in collaboration with other Federal executive agencies, including the Department of Justice, has developed regulations to implement the Drug-Free Workplace Act of 1988, 28 CFR Part 67, Subpart F.

Disclosure of Lobbying Activities

Section 319 of Public Law 101-121 generally prohibits recipients of Federal contracts, grants and loans from using appropriated funds for lobbying the Executive or Legislative Branches of the Federal Government in connection with a specific contract, grant or loan. Section 319 also requires each person who requests or receives a Federal contract, grant, cooperative agreement, loan or a Federal commitment to insure or guarantee a loan, to disclose lobbying. The term "recipient" as used in this context does not apply to Indian tribes or any tribal or Indian organizations.

- A person who requests a Federal grant, cooperative agreement or contract exceeding $100,000 is required to file with OJP a written declaration. The declaration shall contain:

  1. A certification that addresses payment made and to be made with both Federally appropriated funds and non-Federal funds for influencing or attempting to influence persons, in making of Federal awards.

  2. "Disclosure of Lobbying Activities" must be submitted if payments were made with non-Federal funds and must contain the following information with respect to each payment and each agreement:

     a. Name and address of each person paid, to be paid or reasonably expected to be paid

     b. Name and address of each individual performing the services for which payment is made, to be made or reasonably expected to be made

c. The amount paid, how the person was paid and the activity for which the person was paid, is to be paid or is reasonably expected to be paid

3. Copies of certifications and disclosures of lobbying activities, as outlined above, received from subgrantees, contractors or subcontractors under a grant, cooperative agreement or contract for Federal subawards exceeding $100,000.

- A subgrantee, contractor or subcontractor under a grant, cooperative agreement or contract, who requests or receives Federal funds exceeding $100,000 is required to file a written declaration, as described above, with the person making their award.

- A declaration must be filed at the end of each calendar quarter in which there occurs any event that materially affects ($25,000 or more) the accuracy of the information contained in any declaration previously filed for a grant, cooperative agreement, contract, subgrant or subcontract. These declarations shall be filed as follows:

  1. Grant, cooperative agreement and contract recipients shall send their amended declarations and copies of amended declarations for Federal subawards to the Office of the Comptroller no later than 30 days after the end of each calendar quarter.

  2. Subgrantees, contractors or subcontractors under a grant, cooperative agreement or contract shall send their amended declarations each quarter to the person who made their subaward.

- Declarations are also required for extensions, continuations, renewals, amendments and modifications exceeding $100,000 or resulting in the award exceeding $100,000.

Disclosure of Federal Participation

Section 8136 of the Department of Defense Appropriations Act (Stevens Amendment) enacted in October, 1988, requires that "when issuing statements, press releases, requests for proposals, bid solicitations, and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds, including but not limited to state and local governments, shall clearly state (1) the percentage of the total cost of the program or project which will be financed with Federal money, and (2) the dollar amount of Federal funds for the project or program".

New Assurance Related to Reporting of Convictions to the Immigration and Naturalization Service

Section 507 of the Immigration Act of 1990 amended Section 503(a) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, to require that a new assurance be added to the application for formula grant funds, as follows:

> An assurance that the state has established a plan under which the state will provide without fee to the Immigration and Naturalization Service, within 30 days of the date of their conviction, the certified records of conviction of aliens who have been convicted of violating the criminal laws of the state.

This provision is effective immediately and applies to formula grants for fiscal years beginning with FY 1991, for which applications are due January 4, 1991. However, because there has been inadequate time for Bureau of Justice Assistance (BJA) and the Immigration and Naturalization Service (INS) to respond fully to this provision before that due date, states must include an assurance in their FY 1991 grant application that they will provide a completed plan, in accordance with BJA guidance, within 120 days after the issuance of that guidance. The modified assurance is included as assurance number 11 in the list of Certified Assurances FY 1991 found in Appendix C. BJA, in consultation with INS, will provide states with guidance on the implementation of this provision.

Civil Rights Requirements

No person in any state shall on the grounds of race, color, religion, national origin or sex be excluded from participation in, be denied the benefits of, be subjected to discrimination under or denied employment in connection with any program or activity funded in whole or in part with funds made available under this title. Sec. 809 (c) (1) of the Act. Recipients of funds under the Act are also subject to

the provisions of Title VI of the Civil Rights Act of 1964; Sec. 504 of the Rehabilitation Act of 1974, as amended; Title IX of the Education Amendments of 1972; the Age Discrimination Act of 1974; and the Department of Justice Non-Discrimination Regulations 28 CFR Part 42, Subparts C, D, E and G.

General Financial Requirements

Grants funded under the formula grant program are governed by the provisions of 28 CFR Part 66, Common Rule, Uniform Administrative Requirements for Grants and Cooperative Agreements with State and Local Government and the Office of Management and Budget (OMB) Circulars applicable to financial assistance. These Circulars along with additional information and guidance are contained in M7100.1, Financial and Administrative Guide for Grants (current edition), available from OJP. This guideline manual provides information on cost allowability, methods of payment, audit, accounting systems and financial records.

Audit Requirement

In October 1984, Congress passed the Single Audit Act of 1984. The Office of Management and Budget Circular A-128, "Audits of State and Local Governments", which establishes regulations to implement the Act, outlines the requirements for organizational audits which apply to BJA grantees.

Undercover Operations

State agencies and local units of government may apply for and receive grants to conduct law enforcement undercover operations. The process by which these applications are reviewed and conducted must include provisions to protect the confidentiality of the operations. The standard of "need to know/right to know" is paramount when handling these types of applications. The following is provided as guidance:

- Information pertaining to the political jurisdictions and/or implementing agencies should be omitted on any documents submitted to BJA. The application should only include the program description, the funds involved and the number of projects.

- It is recommended that state agencies establish policies and procedures for special handling of undercover applications and grants. These should address:

  - limiting the need to provide confidential information by the applicant for review and funding decisions

  - minimizing the number of personnel having "need to know/right to know" status in performing application review and grant management functions

  - storing applications, grant awards and grant management documents in secure locations to prevent unauthorized access

  - establishing/revising special management procedures relating to financial, monitoring and auditing activities in order to maintain confidentiality of the application and/or subgrant.

For the specific Office of Justice Programs (OJP) requirements governing the management of confidential funds, see OJP M7100.1, Financial and Administrative Guide for Grants.

Title to Property

Sec. 808 of the Act provides that, notwithstanding any other provision of law, title to all expendable and nonexpendable personal property purchased with funds made available under this title, including property purchased with funds made available under this title before the effective date of this Act, shall vest in the criminal justice agency or nonprofit organization that purchased the property if it certifies to the State Office that it will use the property for criminal justice purposes. If such certification is not made, title to the property shall vest in the State Office which shall seek to have the property used for criminal justice purposes elsewhere in the state prior to using it or disposing of it in any other manner. If a State Office does not exist, certification will be made directly to BJA.

Suspension and Termination of Funding

BJA may, after reasonable notice and failure of informal efforts to effect resolution, suspend, in whole

or in part, or after reasonable notice and opportunity for a hearing, terminate, in whole or in part, funding for a state that implements programs or projects which fail to conform to the requirements or statutory objectives of the Act or which fail to comply substantially with the Act, the program or financial regulations and policies or the terms and conditions of its grant award. Hearing and appeal procedures for termination actions are set forth in Department of Justice regulations at 28 CFR Part 18.

Changes Which Take Effect After FY 1991

The Crime Control Act of 1990 made a least two substantial amendments to the Omnibus Crime Control and Safe Streets Act of 1968, affecting the formula grant program in the future. These provisions do not take effect in FY 1991, but states should be aware of them for future planning.

- Beginning in FY 1992, Congress expects each state to allocate not less than five percent of its total formula grant award for the purpose of improving its criminal justice records.

- Beginning in FY 1994, each state should have in place a statute requiring, at the request of the crime victim, testing for the presence of human immunodeficiency virus (HIV) in persons convicted under state law of a sexual act as defined in 18 U.S.C. § 2245. States not having such a statute will receive only 90 percent of the allocated formula grant funds.

Allowable/Unallowable Expenses

General Salaries and Personnel Costs

Payment of personnel costs with grant funds is permitted if the costs are a part of an approved program or project. Sec. 501 (b) of the Act.

Equipment and Hardware

Equipment and hardware expenses which are part of an approved program or project are allowable expenses. Sec. 501 (b) of the Act.

Expenditures for Purchase of Evidence and Information

Formula grant funds which may be used for confidential expenditures are defined as funds used for the purchase of services, purchase of physical evidence and purchase of information including buy money, flash rolls, etc. Guidelines related to confidential expenditures are found in OJP M7100.1, Financial and Administrative Guide for Grants. BJA has delegated to the State Office which administers the formula grant program authority to approve the allocation, use and expenditure of formula subgrant funds for confidential expenditures. Thus, the use of the term "Grantor Agency" as used in M7100.1, means the State Office for subgrants. All state applications containing projects which will utilize funds for confidential expenditures must contain an assurance that the guidelines found in M7100.1, will be followed.

Construction

Use of formula grant funds for construction projects is prohibited except when facilities to be constructed are penal or correctional institutions. Sec. 505 (c) of the Act. Correctional institutions include prisons, jails, juvenile correctional institutions and residential community corrections facilities.

Land Acquisition

Acquisition of land with grant funds is prohibited. Sec. 505 (c) of the Act.

Evaluation Costs

Expenses associated with conducting evaluations of programs/projects funded with formula grant funds are allowable expenses and may be paid with administrative funds, program funds or a combination of both. Sec. 504 (d) of the Act.

Participation in Drug Enforcement Administration Task Forces

Formula grant funds may be used for expenses associated with participation of the state or units of local government, or combinations thereof, in the State and Local Task Force Program established by the Drug Enforcement Administration. Sec. 504 (c) of the Act.

State Application Requirements

Application Submission

The Act requires that applications for funds be submitted within 60 days after the date that the appropriation for the program is enacted. Sec. 503 (a) of the Act.

If a state fails to submit an application by the submission deadline as defined by the Act, BJA will provide the state with written notice that it intends to begin the process of making funds available to local units of government, or combinations thereof, within the state, within 30 days of the date of the notice. The state will be provided with an opportunity to submit its application and a justification for the late submission within the 30-day period. The Director of BJA will make a determination on adequacy of the justification prior to initiating review of the application.

An original and two copies of the application are required. To facilitate the review of the applications, seven additional copies are requested. Applications should be sent to the following address:

Bureau of Justice Assistance
Central Control Desk
633 Indiana Avenue, N.W.
Washington, D.C. 20531

Please note the number of copies which are being requested. This will assist BJA in the application review and award process.

Application Content

A complete formula grant application includes the following:

- Standard Form (SF) 424 "Federal Assistance" (revised 4-88)
- Executive Order 12372 Compliance
- Audit Requirements
- Civil Rights Requirements
- Certification Regarding Debarment
- Certification Regarding Drug-Free Workplace Requirements
- Disclosures of Lobbying Activities
- State Legislature Review
- Certified Assurances
- Statewide Strategy
- List of Program/Projects (Attachment A)

Standard Form 424 (revised 4-88)

The standard form 424 is the face sheet for the application. A copy of the current form is found in Appendix C. This document must be signed by a duly authorized official and dated. Applications using an outdated version of the SF-424 will not be accepted.

Executive Order 12372 Compliance "Intergovernmental Review of Federal Programs"

Applicants must complete item 16 of SF-424 which requires information regarding compliance with Executive Order 12372. In accordance with the Executive Order and the Department of Justice's implementing regulation, 28 CFR Part 30, states must submit formula grant applications to the state "Single Point of Contact" (SPOC), if one exists, and if the program has been selected for coverage by the state. The state may submit its application to the SPOC at the same time the application is submitted to BJA. The state SPOC may take up to 60 days from the application submission date to comment on the application. If, at the time that BJA approves the state's application, the SPOC has not commented on the application, and the 60-day comment period has not expired, the award will be special conditioned to allow for comment prior to the award of subgrants by the state.

Applicants are encouraged to contact their state's SPOC as soon as possible to inform them of the prospective application and to receive instructions regarding the state process.

Audit Requirements

Each grantee accepting BJA formula grant funds must agree to comply with the requirements of the OMB Circular A-128. Applications must include:

- Date of the last audit
- Dates covered by the last audit
- Date of the next audit
- Dates to be covered by the next audit
- Date next audit will be forwarded to cognizant audit agency
- Designated Federal cognizant agency

Appendix C contains a suggested format for submitting this information.

Civil Rights Requirements

In addition to the nondiscrimination and Equal Employment Opportunity Plan (EEOP) requirements listed in the Certified Assurances, applicants must include in their application:

- Civil Rights contact person
- Title and address of contact person
- Telephone number of contact person
- Number of persons employed by the organizational unit responsible for administering the grant

The contact person will serve as liaison with the Office for Civil Rights, OJP. Appendix C contains a suggested format for submitting the required information.

Applicants who previously applied for and received block or formula grant funding from BJA and have an approved EEOP, need only submit a statistical update of the previously approved plan. The statistical update shall be for the preceding year. At a minimum, the update shall contain the requirements found at 28 CFR 42.304 (a), (b), (c) and (d), along with a narrative statement describing the progress made during the preceding year, remedial action(s) taken and the status and issues of all discrimination complaints filed against the applicant during that period.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion

Executive Order 12549, Debarment and Suspension, 34 CFR Part 85, Section 85.510, Participants' Responsibilities, requires the grantee to obtain from each subgrantee applicant a Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion. Appendix C contains a copy of the Direct Recipient form which should be submitted by the state as part of the application. The Sub-Recipient form,
also found in Appendix C, should be submitted to the State Office as part of each subgrant application and should be kept on file by the State Office.

Certification Regarding Drug-Free Workplace Requirements

Title V, Sec. 5153 of the Anti-Drug Abuse Act of 1988 requires all grantees of Federal funds, other than an individual, to certify to the granting agency that it will provide a drug free workplace. Appendix C contains the certification form. The drug-free workplace requirement applies to the direct grantees (i.e., State Office) and all recipient instrumentalities of the state (e.g., Corrections Departments).

Disclosure of Lobbying Activities

Section 319 of Public Law 101-121 requires each person who requests or receives a Federal contract, grant, cooperative agreement, loan or a Federal commitment to insure or guarantee a loan, to disclose lobbying. Appendix C contains a "Certification Regarding Lobbying" form which must be included with all applications and a "Disclosure of Lobbying Activities" form which must be included with the application if lobbying has taken place relative to the request.

State Legislature Review

As stated in the Act and the Certified Assurances, the application must be submitted for review to the state legislature or its designated body. The application must be submitted to the state legislature no later than the time of submission to BJA. BJA will not approve the use of funds until the state legislature or its designated body has reviewed the application or the 30-day review period has passed. A copy of the document which transmits the application to the state legislature should be included in the application.

Application Assurances

Many of the administrative requirements are met by the Chief Executive Officer of the state or his/her designee signing assurances regarding compliance. Documentation of compliance is retained by the state. A list of the assurances which must be signed and included in the application is found in Appendix C.

Statewide Strategy for Drug and Violent Crime Control

Each state is required to develop a statewide strategy to improve the functioning of the criminal justice system, with an emphasis on drug trafficking, violent crime and serious offenders. The strategy shall be prepared after consultation with state and local officials, particularly those whose duty it is to enforce drug and criminal laws and direct the administration of justice. The strategy should contain the following elements which are discussed in more detail in Appendix D:

- A definition and analysis of the drug and violent crime problem in the state and an analysis of the problems in each of the counties and municipalities with major drug and violent crime problems
- An assessment of the criminal justice resources being devoted to crime and drug control programs at the time of the application
- A description of how the state is complying with coordination requirements, which should include a detailed description of the Federal LECC's role in assisting in the development of the statewide strategy
- Identification of resource needs
- The establishment of statewide priorities for crime and drug control activities and programs
- An analysis of the relationship of the proposed state efforts to the National Drug Control Strategy, which should include a description of the state and local drug testing programs that include arrestees, prisoners, parolees, those out on bail, and others in the criminal justice system. The description should include an explanation of how drug test results are used in bail, sentencing, early release, probation, and parole decisions. If the state has not adopted comprehensive drug testing programs, information on timetables to do so should be provided
- A plan for coordinating the programs to be funded under this program with other Federally funded programs, including state and local drug abuse education, treatment and prevention programs
- A plan for the evaluation of drug and violent crime control programs funded under this program

Programs to be Funded

Applications must set forth programs and projects which meet the purposes and criteria outlined in the Act. Sec. 506 (c) of the Act. Recommended program elements are highlighted on pages 1 and 2 of this document. Since the Act identifies specific areas for funding, BJA deems some criminal justice system improvement programs as not appropriate for Federal funding (e.g. furlough programs for offenders who pose dangers to the community).

The application must designate which statutory purpose each program or project is intended to address the program title, and the estimated funding level for the program or project, including the amount and source of cash matching funds. The application must also include a description of the program and how it contributes to the statewide drug strategy's implementation.

The application must contain a Program List which includes:

- The legislatively authorized purpose area
- The title of the program
- Whether the program has been approved (following a program brief or has been previously approved by BJA)
- Estimated number of awards
- The Federal amount allocated to state and local agencies for the program
- The amount of the match
- The amount passed through to local units of government

Appendix C contains an "Attachment A - Program List Workplan," which should be used to display the required information. The Program List must be followed by specific information on each program not previously approved by BJA, including: a description

of the program, the statutory purpose it addresses, program objectives, the critical elements in the program design, the indicators which will be used to assess performance and how the program contributes to the implementation of the statewide strategy.

Federal, State and Local Participation in Strategy Development

Section 503 (a) (1) of the Act requires that "the strategy shall be prepared after consultation with state and local officials with emphasis on those whose duty it is to enforce drug and criminal laws and direct the administration of justice." It further requires that the strategy contain "a definition and analysis of the drug and violent crime problem in the state, and an analysis of the problems in each of the counties and municipalities with major drug and violent crime problems." Section 506 (b)(2) requires that "in distributing funds received under this part among urban, rural and suburban units of local government and combinations thereof, the state shall give priority to those jurisdictions with the greatest need."

It is essential that Federal, state and local law enforcement, prosecutors, and other criminal justice personnel participate closely in developing the statewide drug strategy. State planning agencies should provide operational agencies with an opportunity to make substantive contributions throughout the strategy development process, including the initial stages. State planning agencies should not draft the strategy and then submit the document for review thereby depriving operational agencies from making substantive contributions at the beginning of the strategy development process.

States are also encouraged to contact and work with the Law Enforcement Coordinating Committee (LECC) of the United States Attorney(s) within the state. The LECC, which brings together Federal, state and local law enforcement and prosecutors, can serve as an important resource in the strategy development process.

Further, after completion, the applicant is encouraged to send a copy of the statewide strategy or a summary of the strategy to local governments, major operational agencies and LECCs. This should include an analysis of the areas of greatest need, the allocation of funds and the impact of the state strategy on areas with major drug problems.

Drug and Violent Crime Policy Board

Each state is strongly encouraged to establish a Drug and Violent Crime Policy Board to serve as a forum for communication and a structure for coordination. The Board should be responsible for the development of the state strategy and should facilitate coordination within the state. The Board members should include state and local officials and operational level representatives from all components of the criminal justice system (e.g., law enforcement, prosecution, courts and corrections), education and treatment. The United States Attorney or the Chair of the Law Enforcement Coordinating Committee should also be included on the Board to facilitate coordination with Federal drug control efforts. Federal employees who serve as members of the Board should be non-voting members.

The Board should be appointed by the Governor to establish its credibility as the Policy Board within the state and the importance of its mission. If a Board is established, the application for formula grant funds should include a description of the Board's roles, responsibilities, and activities and a list of Board members, their agency and level of government and the criminal justice function and/or other discipline (e.g., education or drug treatment) they represent. Payment of the costs associated with the operation of the Drug and Violent Crime Policy Board is an allowable use for the administrative funds.

Review of State Applications

45-Day Rule for BJA Review of Applications

BJA must approve or disapprove applications or amendments within 45 days of official receipt. Sec. 505 (b) of the Act. The application or amendment shall be considered approved unless BJA informs the applicant in writing of specific reasons for disapproval prior to the expiration of the 45-day period. Applications which are incomplete, as determined by

BJA, shall not be considered officially received for purposes of the 45-day rule.

Rather than reject or return incomplete applications, BJA will notify the applicant that its application has been received and what needs to be accomplished for the application to be considered "complete" and, thus, officially received. Every effort will be made to notify states of any problems early in the review process. The 45-day review period will not commence until BJA has determined that the application is "complete".

Any outstanding special conditions on formula grant awards from prior fiscal years must be satisfied before a new award will be made.

Written Notification and Reason for Disapproval

BJA shall notify the applicant in writing of the specific reasons for the disapproval of the application or amendment, in whole or in part. The applicant will be afforded an opportunity for reconsideration before a final determination of disapproval is made. Sec. 505 (d) of the Act.

Affirmative Finding

Prior to approval of the application or amendments, BJA must make an affirmative finding in writing that the program or project has been reviewed in accordance with the Act. Sec. 505 (a) (2) of the Act.

Program Evaluation

Each program funded by the state shall contain an evaluation component. The National Institute of Justice (NIJ), in consultation with BJA, established guidelines for the evaluation of programs funded by the states under the formula grant program, entitled Evaluating Drug Control and System Improvement Projects, as required by Sec. 501 (c) of the Act. To meet this requirement, BJA recommends that the states:

- Follow closely the evaluation guidance provided by BJA/NIJ
- Establish an evaluation capability within the State Office
- Analyze the Annual Project Report Forms completed at the project level for evaluation purposes
- Conduct intensive evaluations of programs or projects of particular importance, particularly those related to the strategy.
- Integrate the evaluation results into the strategy development process
- Keep records on all evaluation activities focused on projects/programs which receive formula grant funds, as well as any other evaluations conducted or contracted by the state administrative authority
- Submit copies of completed or interim evaluation reports to BJA
- Participate, along with BJA and the National Institute of Justice, in the annual planning of national level evaluations of selected projects/programs receiving formula grant funds

The purpose of evaluating each program is to assess how well it has been implemented and to assess the extent to which the activities funded have achieved the program's goals. Such assessments should be designed to provide administrators and policy makers with an improved understanding of whether specific activities accomplished their desired results of enhancing the effectiveness of the state strategy.

The reporting provisions outlined in Sec. 522 (a) of the Act, require that the states provide evaluation results of programs and projects. The states should conduct evaluations designed to assess the effectiveness of individual projects (e.g., a particular task force in jurisdiction "X"). Broader evaluations should also be conducted. These might include comparisons of differently designed projects within a single program area, or evaluations of whether one type of program (e.g., demand reduction education) is

more or less effective than other programs as a means to address the drug problem. The states should also assess the impact of program and project activities on the needs identified in the state strategy.

Evaluation Capability at the State Level

BJA recommends that an evaluation capability be established at the state level to coordinate and economize evaluation activities. This could be achieved by: expanding the functions of the state's statistical analysis center (SAC) if it contains evaluation expertise; creating an evaluation unit within the State Office; or by contracting for evaluation services.

The establishment of a state level capability will facilitate evaluations involving assessments of more than one project. Such evaluations require collecting consistent information about projects as well as making comparisons among projects. Evaluations contemplating rigorous controls, such as experimental or quasi-experimental designs, require the assistance of trained research professionals. States may find it advisable to position such research professionals at the state level rather than at the project level.

Annual Project Reports

Annual Project Report Forms were developed by BJA for each of the legislatively authorized purpose areas to collect information on activities undertaken and the results achieved for each project funded. The information is used by BJA for program management and to prepare an annual report to Congress. The information should also be useful to the states in identifying effective programs and assessing the impact of project activities on the goals identified in the state strategy. If a state determines that additional information is required from their projects, they may supplement the Annual Project Report Forms for use within their state. For many projects, analysis of the data contained in the Annual Project Reports will be relied upon to meet the evaluation requirements of the Act.

Evaluations of Selected Programs or Projects

The states may wish to conduct more intensive evaluations of selected programs or projects, and are encouraged to do so. States may chose from among many different assessment methods in designing their evaluation efforts. For studies of single projects, they may chose to employ such methodologies as: case studies; before and after or other time-series studies; tracking of specified cohorts (e.g., suspects, defendants or offenders) to learn how a particular project affects the system's response to the respective cohort; or any of several other available methodologies. They may chose more rigorously designed evaluations, including controlled experiments and quasi-experimental statistical analyses.

The choice of evaluation activities to be undertaken by the states should reflect some consideration of the strategic importance of the projects and programs to be assessed. States may concentrate their evaluation resources on those programs that constitute major components of the state's strategy. They may also choose to focus their resources on programs or projects that test new concepts or practices. Generally, non-experimental methods can be useful for: exploratory analyses of how and why particular interventions work or do not work; for developing hypotheses about the causal relationships and outcomes; and for developing measurements of activities and outcomes. Experimental designs are called for when strict tests of hypotheses are needed. The guidelines developed by BJA/NIJ discuss these different methods, and provide criteria for determining which types are appropriate. BJA and NIJ also conduct evaluations of selected programs or projects being implemented in the states. These activities will be coordinated with or conducted in cooperation with the State Offices.

Integration of Evaluation Results Into the Strategy Development Process

Program and project activities should be evaluated to provide state and local officials with information on the effectiveness of the activities and to assist decision makers in developing and modifying the state strategy. The strategy development process requires a definition of the drug and violent crime problems in the state and the resource needs to address the problem. The strategy that is developed to address the problem and resources needs should be continually reviewed and assessed to determine if it is the most effective strategy. The results of the evaluations should be used to modify and improve the strategy to more effectively address the problems in the state.

Waiver of Evaluation Requirements

The Director of BJA may waive the evaluation requirement when, in the opinion of the Director, the program is not of sufficient size to justify a full evaluation report, or the program is designed primarily to provide material resources and supplies, such as laboratory equipment, that would not justify a full evaluation report. Sec. 501 (c) of the Act.

A request for a waiver can be included in the state's application for formula grant funds or may be submitted as a separate request. It should include a description of the program, the amount of the award and the justification for the waiver of the evaluation requirement. BJA will review the request and provide the state with a formal response waiving the requirements, modifying the requirements for this program or denying the waiver. BJA will generally not waive the Annual Project Report Forms requirement.

State Reporting Requirements

Financial Reports

In order to obtain financial information concerning the use of Federal funds, the states are required to submit periodic and timely financial reports. These financial reporting requirements are contained in paragraph 30 of OJP M7100.1 Financial and Administrative Guide for Grants.

Individual and Annual Project Reports

The states are required to submit an Individual Project Report (IPR) to BJA as subgrant awards are made. The purpose of this report is to gather initial baseline information on the activities funded under the formula grant program. The Annual Project Reports discussed in the previous section are completed at the end of the project and gather information on the actual outcome and results of these activities. Every effort has been made to limit the amount of information requested to that which is essential and to facilitate the computerization of the data. The information requested in the IPRs primarily focuses on the type of program that was funded and the type of agency which received the funds.

The states are also required to submit Annual Project Reports for each project funded under their formula grant program. These reports, discussed in the previous section on Program Evaluation, must be completed annually by each project or within 90 days of termination of the project. Project personnel are required to send the reports to the State Office where they are available to assess project and program effectiveness. The state shall make copies of the reports and send them to BJA within 30 days of receiving them from the projects. The state may request this information from the projects more frequently, such as quarterly.

Annual Report

Sec. 522 (a) (1) of the Act requires that the state, or a local unit of government in the case of a non-participating state, annually submit to BJA a report concerning the activities carried out under the formula grant. These performance reports will provide the
basis for the annual report from BJA to the President and the Congress as required by Sec. 522 (b) of the Act.

The reports from the states must contain:

- A summary of the activities carried out under the formula grant program and an assessment of the impact of such activities on meeting the needs identified in the state strategy
- A summary of the activities carried out during the year under any discretionary grants received by the state
- The evaluation results of programs and projects
- An explanation of how the Federal funds provided under this program were coordinated with state agencies receiving Federal funds for drug abuse education, prevention, treatment and research activities

The report required by the Act will contain information which will be useful for making informed decisions regarding drug control and criminal justice policy and strategies at the Federal, state and local levels. In order to encourage the states to use this information for planning and program development, the annual report will be incorporated into the strategy development process as discussed in Appendix D, which includes a recommended format for development of the statewide strategy. The states will fulfill the legislative requirement for an annual report by providing to BJA copies of the Annual Project Reports and by following the recommended format for the development of a statewide strategy as outlined in Appendix D. Copies of reports on program activities or impact prepared within the state should be submitted to BJA.

Appendix A

Authorized Program Areas

Authorized Program Areas

1. Demand reduction education programs in which law enforcement officers participate

2. Multi-jurisdictional task force programs that integrate Federal, state and local drug law enforcement agencies and prosecutors for the purpose of enhancing interagency coordination and intelligence and facilitating multi-jurisdictional investigations

3. Programs designed to target the domestic sources of controlled and illegal substances, such as precursor chemicals, diverted pharmaceuticals, clandestine laboratories and cannabis cultivations

4. Providing community and neighborhood programs that assist citizens in preventing and controlling crime, including special programs that address the problems of crimes committed against the elderly and special programs for rural jurisdictions

5. Disrupting illicit commerce in stolen goods and property

6. Improving the investigation and prosecution of white-collar crime, organized crime, public corruption crimes and fraud against the government with priority attention to cases involving drug-related official corruption

7. a. Improving the operational effectiveness of law enforcement through the use of crime analysis techniques, street sales enforcement, schoolyard violator programs, gang-related and low-income housing drug control programs

   b. Developing and implementing antiterrorism plans for deep draft ports, international airports and other important facilities

8. Career criminal prosecution programs, including the development of model drug control legislation

9. Financial investigative programs that target the identification of money laundering operations and assets obtained through illegal drug trafficking, including the development of proposed model legislation, financial investigative training and financial information sharing systems

10. Improving the operational effectiveness of the court process by expanding prosecutorial, defender and judicial resources and implementing court delay reduction programs.

11. Programs designed to provide additional public correctional resources and improve the corrections system, including treatment in prisons and jails, intensive supervision programs and long-range corrections and sentencing strategies

12. Providing prison industry projects designed to place inmates in a realistic working and training environment which will enable them to acquire marketable skills and to make financial payments for restitution to their victims, for support of their own families and for support of themselves in the institution

13. Providing programs which identify and meet the treatment needs of adult and juvenile drug-dependent and alcohol-dependent offenders

14. Developing and implementing programs which provide assistance to jurors and witnesses and assistance (other than compensation) to victims of crime

15. a. Developing programs to improve drug control technology, such as pretrial drug testing programs, programs which provide for the identification, assessment, referral to treatment, case management and monitoring of drug-dependent offenders and enhancement of state and local forensic laboratories.

    b. Criminal justice information systems to assist law enforcement, prosecution, courts and corrections organizations (including automated fingerprint identification systems)

16. Innovative programs which demonstrate new and different approaches to enforcement, prosecution and adjudication of drug offenses and other serious crimes

17. Addressing the problems of drug trafficking and the illegal manufacture of controlled substances in public housing

18. Improving the criminal and juvenile justice system's response to domestic and family violence, including spouse abuse, child abuse and abuse of the elderly

19. Drug control evaluation programs which state and local units of government may utilize to evaluate programs and projects directed at state drug control activities

20. Providing alternatives to prevent detention, jail and prison for persons who pose no danger to the community

21. Programs of which the primary goal is to strengthen urban enforcement and prosecution efforts targeted at street drug sales

Appendix B

Allocation of Funds

Formula Grant Program
Allocation of Funds

State	FY 1991 State Allocation	Percentage to be Passed through to Local Jurisdictions
Alabama	7,023,000	51.28
Alaska	1,821,000	24.63
Arizona	6,209,000	61.23
Arkansas	4,543,000	57.78
California	43,161,000	64.37
Colorado	5,863,000	64.03
Connecticut	5,750,000	44.76
Delaware	2,032,000	28.47
District of Columbia	1,933,000	100.00
Florida	19,414,000	65.13
Georgia	10,381,000	58.16
Hawaii	2,668,000	47.09
Idaho	2,526,000	62.82
Illinois	17,946,000	66.51
Indiana	9,160,000	58.91
Iowa	5,172,000	46.27
Kansas	4,698,000	54.58
Kentucky	6,457,000	30.33
Louisiana	7,406,000	55.09
Maine	2,828,000	45.98
Maryland	7,858,000	43.14
Massachusetts	9,624,000	44.28
Michigan	14,491,000	57.43
Minnesota	7,364,000	70.93
Mississippi	4,855,000	57.17
Missouri	8,531,000	58.08
Montana	2,225,000	58.56

Formula Grant Program
Allocation of Funds

State	FY 1991 State Allocation	Percentage to be Passed through to Local Jurisdictions
Nebraska	3,391,000	60.13
Nevada	2,667,000	61.93
New Hampshire	2,661,000	54.88
New Jersey	12,265,000	58.55
New Mexico	3,271,000	44.84
New York	27,062,000	64.53
North Carolina	10,577,000	39.31
North Dakota	2,014,000	60.24
Ohio	16,858,000	61.89
Oklahoma	5,728,000	46.28
Oregon	5,143,000	49.38
Pennsylvania	18,500,000	67.76
Rhode Island	2,503,000	44.75
South Carolina	6,145,000	40.96
South Dakota	2,093,000	49.36
Tennessee	8,214,000	52.21
Texas	25,672,000	67.52
Utah	3,530,000	50.90
Vermont	1,879,000	28.20
Virginia	9,892,000	31.59
Washington	7,955,000	62.91
West Virginia	3,748,000	49.86
Wisconsin	8,108,000	67.39
Wyoming	1,746,000	55.41
Puerto Rico	5,825,000	0
Virgin Islands	1,201,000	0
American Samoa	771,170	0
Guam	1,262,000	0
N. Mariana Islands	379,830	0

Appendix C

Application Forms and Assurances

OMB Approval No. 0348-0043

APPLICATION FOR FEDERAL ASSISTANCE

2. DATE SUBMITTED	Applicant Identifier
3. DATE RECEIVED BY STATE	State Application Identifier
4. DATE RECEIVED BY FEDERAL AGENCY	Federal Identifier

1. TYPE OF SUBMISSION:

Application	*Preapplication*
☐ Construction	☐ Construction
☐ Non-Construction	☐ Non-Construction

5. APPLICANT INFORMATION

Legal Name:	Organizational Unit:
Address *(give city, county, state, and zip code)*:	Name and telephone number of the person to be contacted on matters involving this application *(give area code)*

6. EMPLOYER IDENTIFICATION NUMBER (EIN):

☐☐ – ☐☐☐☐☐☐☐

7. TYPE OF APPLICANT: *(enter appropriate letter in box)* ☐

A. State
B. County
C. Municipal
D. Township
E. Interstate
F. Intermunicipal
G. Special District
H. Independent School Dist.
I. State Controlled Institution of Higher Learning
J. Private University
K. Indian Tribe
L. Individual
M. Profit Organization
N. Other (Specify): _____

8. TYPE OF APPLICATION:

☐ New ☐ Continuation ☐ Revision

If Revision, enter appropriate letter(s) in box(es): ☐ ☐

A. Increase Award B. Decrease Award C. Increase Duration
D. Decrease Duration Other *(specify)*:

_____

9. NAME OF FEDERAL AGENCY:

10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER: ☐☐ – ☐☐☐

TITLE:

11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:

12. AREAS AFFECTED BY PROJECT *(cities, counties, states, etc.)*:

13. PROPOSED PROJECT:

Start Date	Ending Date

14. CONGRESSIONAL DISTRICTS OF:

a. Applicant	b. Project

15. ESTIMATED FUNDING:

a. Federal	$	.00
b. Applicant	$	.00
c. State	$	.00
d. Local	$	.00
e. Other	$	.00
f. Program Income	$	.00
g. TOTAL	$	.00

16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?

a. YES. THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON:

DATE _____

b. NO. ☐ PROGRAM IS NOT COVERED BY E.O. 12372

☐ OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW

17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?

☐ Yes If "Yes," attach an explanation. ☐ No

18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT, THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED

a. Typed Name of Authorized Representative	b. Title	c. Telephone number

d. Signature of Authorized Representative	e. Date Signed

Previous Editions Not Usable

Standard Form 424 (REV 4-88)
Prescribed by OMB Circular A-102

INSTRUCTIONS FOR THE SF 424

This is a standard form used by applicants as a required facesheet for preapplications and applications submitted for Federal assistance. It will be used by Federal agencies to obtain applicant certification that States which have established a review and comment procedure in response to Executive Order 12372 and have selected the program to be included in their process, have been given an opportunity to review the applicant's submission.

Item: Entry:

1. Self-explanatory.
2. Date application submitted to Federal agency (or State if applicable) & applicant's control number (if applicable).
3. State use only (if applicable).
4. If this application is to continue or revise an existing award, enter present Federal identifier number. If for a new project, leave blank.
5. Legal name of applicant, name of primary organizational unit which will undertake the assistance activity, complete address of the applicant, and name and telephone number of the person to contact on matters related to this application.
6. Enter Employer Identification Number (EIN) as assigned by the Internal Revenue Service.
7. Enter the appropriate letter in the space provided.
8. Check appropriate box and enter appropriate letter(s) in the space(s) provided:
   - "New" means a new assistance award.
   - "Continuation" means an extension for an additional funding/budget period for a project with a projected completion date.
   - "Revision" means any change in the Federal Government's financial obligation or contingent liability from an existing obligation.
9. Name of Federal agency from which assistance is being requested with this application.
10. Use the Catalog of Federal Domestic Assistance number and title of the program under which assistance is requested.
11. Enter a brief descriptive title of the project. if more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For preapplications, use a separate sheet to provide a summary description of this project.

Item: Entry:

12. List only the largest political entities affected (e.g., State, counties, cities).
13. Self-explanatory.
14. List the applicant's Congressional District and any District(s) affected by the program or project.
15. Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate *only* the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 15.
16. Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process.
17. This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes.
18. To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office. (Certain Federal agencies may require that this authorization be submitted as part of the application.)

U.S. DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS
OFFICE OF THE COMPTROLLER

Certification Regarding Debarment, Suspension, and Other Responsibility Matters Primary Covered Transactions

(Direct Recipient)

_____
Application Number

This certification is required by the regulations implementing Executive Order 12549, Debarment and Suspension, 28 CFR Part 67, Section 67.510, Participants' responsibilities. The regulations were published as Part VII of the May 26, 1988 *Federal Register* (pages 19160-19211).

(BEFORE COMPLETING CERTIFICATION, READ INSTRUCTIONS ON REVERSE)

(1) The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a government entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

(2) Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

_____
Name and Title of Authorized Representative

_____ _____
Signature Date

_____
Name and Address of Organization

Instructions for Certification

1. By signing and submitting this proposal, the prospective primary participant is providing the certification set out below.

2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.

3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

4. The prospective primary participant shall provide immediate written notice to the department or agency to whom this proposal is submitted if at any time the prospective primary participant learns its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

5. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549.

6. The prospective primary participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.

7. The prospective primary participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transactions," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may check the Nonprocurement List.

9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntary excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

U.S. DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS
OFFICE OF THE COMPTROLLER

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion Lower Tier Covered Transactions

(Sub-Recipient)

This certification is required by the regulations implementing Executive Order 12549, Debarment and Suspension, 28 CFR Part 67, Section 67.510, Participants' responsibilities. The regulations were published as Part VII of the May 26, 1988 *Federal Register* (pages 19160-19211).

(BEFORE COMPLETING CERTIFICATION, READ INSTRUCTIONS ON REVERSE)

(1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

(2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

_____

Name and Title of Authorized Representative

_____ _____

Signature Date

_____

Name of Organization

_____

Address of Organization

_____

Instructions for Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.

2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

4. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549.

5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transactions," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may check the Nonprocurement List.

8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntary excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

U.S. DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS
OFFICE OF THE COMPTROLLER

Certification Regarding Drug-Free Workplace Requirements
Grantees Other Than Individuals

This certification is required by the regulations implementing the Drug-Free Workplace Act of 1988, 28 CFR Part 67, Subpart F. The regulations, published in the January 31, 1989 *Federal Register*, require certification by grantees, prior to award, that they will maintain a drug-free workplace. The certification set out below is a material representation of fact upon which reliance will be placed when the agency determines to award the grant. False certification or violation of the certification shall be grounds for suspension of payments, suspension or termination of grants, or governmentwide suspension or debarment (see 28 CFR Part 67, Sections 67.615 and 67.620).

The grantee certifies that it will provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing a drug-free awareness program to inform employees about—
  (1) The dangers of drug abuse in the workplace;
  (2) The grantee's policy of maintaining a drug-free workplace;
  (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
  (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will—
  (1) Abide by the terms of the statement; and
  (2) Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction;

(e) Notifying the agency within ten days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction;

(f) Taking one of the following actions, within 30 days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted—
  (1) Taking appropriate personnel action against such an employee, up to and including termination; or
  (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e) and (f).

Place(s) of Performance: The grantee shall insert in the space provided below the site(s) for the performance of work done in connection with the specific grant (street address, city, county, state, zip code):

_____

_____

_____

_____ _____
Organization Name Application Number

_____
Name and Title of Authorized Representative

_____ _____
Signature Date

CERTIFICATION REGARDING LOBBYING

Each person shall file the most current edition of this certification and disclosure form, if applicable, with each submission that initiates agency consideration of such person for an award of a Federal contract, grant, or cooperative agreement of $100,000 or more; or Federal loan of $150,000 or more.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan or cooperative agreement.

(2) If any non-Federal funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with <u>this</u> Federal contract, grant, loan, or cooperative agreement, the undersigned shall initial here _____ and complete and submit Standard Form # LLL, "Disclosure of Lobbying Activities", in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers and that all subrecipients shall certify and disclose accordingly.

_____	_____
Name and Address of Organization	Name of Authorized Individual Signature and date
_____	_____
Application No.	Name of OJP Agency

Rev.1/90

DISCLOSURE OF LOBBYING ACTIVITIES

Approved by OMB
0348-0046

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352
(See reverse for public burden disclosure.)

1. Type of Federal Action:	2. Status of Federal Action:	3. Report Type:
☐ a. contract b. grant c. cooperative agreement d. loan e. loan guarantee f. loan insurance	☐ a. bid/offer/application b. initial award c. post-award	☐ a. initial filing b. material change For Material Change Only: year _____ quarter _____ date of last report _____

4. Name and Address of Reporting Entity:	5. If Reporting Entity in No. 4 is Subawardee, Enter Name and Address of Prime:
☐ Prime ☐ Subawardee Tier _____, *if known*: Congressional District, *if known*:	Congressional District, *if known*:
6. Federal Department/Agency:	7. Federal Program Name/Description: CFDA Number, *if applicable*: _____
8. Federal Action Number, *if known*:	9. Award Amount, *if known*: $
10. a. Name and Address of Lobbying Entity (*if individual, last name, first name, MI*):	b. Individuals Performing Services (*including address if different from No. 10a*) (*last name, first name, MI*):

(*attach Continuation Sheet(s) SF-LLL-A, if necessary*)

11. Amount of Payment (*check all that apply*):	13. Type of Payment (*check all that apply*):
$ _____ ☐ actual ☐ planned	☐ a. retainer ☐ b. one-time fee ☐ c. commission ☐ d. contingent fee ☐ e. deferred ☐ f. other; specify: _____
12. Form of Payment (*check all that apply*): ☐ a. cash ☐ b. in-kind; specify: nature _____ value _____	

14. Brief Description of Services Performed or to be Performed and Date(s) of Service, including officer(s), employee(s), or Member(s) contacted, for Payment Indicated in Item 11:

(*attach Continuation Sheet(s) SF-LLL-A, if necessary*)

15. Continuation Sheet(s) SF-LLL-A attached: ☐ Yes ☐ No

16. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

Signature: _____

Print Name: _____

Title: _____

Telephone No.: _____ Date: _____

Federal Use Only:

Authorized for Local Reproduction
Standard Form - LLL

INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Use the SF-LLL-A Continuation Sheet for additional information if the space on the form is inadequate. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.

2. Identify the status of the covered Federal action.

3. Identify the appropriate classification of this report. If this is a followup report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.

4. Enter the full name, address, city, state and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.

5. If the organization filing the report in item 4 checks "Subawardee", then enter the full name, address, city, state and zip code of the prime Federal recipient. Include Congressional District, if known.

6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.

7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.

8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitation for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Include prefixes, e.g., "RFP-DE-90-001."

9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.

10. (a) Enter the full name, address, city, state and zip code of the lobbying entity engaged by the reporting entity identified in item 4 to influence the covered Federal action.

    (b) Enter the full names of the individual(s) performing services, and include full address if different from 10 (a). Enter Last Name, First Name, and Middle Initial (MI).

11. Enter the amount of compensation paid or reasonably expected to be paid by the reporting entity (item 4) to the lobbying entity (item 10). Indicate whether the payment has been made (actual) or will be made (planned). Check all boxes that apply. If this is a material change report, enter the cumulative amount of payment made or planned to be made.

12. Check the appropriate box(es). Check all boxes that apply. If payment is made through an in-kind contribution, specify the nature and value of the in-kind payment.

13. Check the appropriate box(es). Check all boxes that apply. If other, specify nature.

14. Provide a specific and detailed description of the services that the lobbyist has performed, or will be expected to perform, and the date(s) of any services rendered. Include all preparatory and related activity, not just time spent in actual contact with Federal officials. Identify the Federal official(s) or employee(s) contacted or the officer(s), employee(s), or Member(s) of Congress that were contacted.

15. Check whether or not a SF-LLL-A Continuation Sheet(s) is attached.

16. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

Public reporting burden for this collection of information is estimated to average 30 mintues per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, D.C. 20503.

DISCLOSURE OF LOBBYING ACTIVITIES
CONTINUATION SHEET

Approved by OMB
0348-0046

Reporting Entity: _____ Page _____ of _____

Authorized for Local Reproduction
Standard Form - LLL-A

Certified Assurances FY-1991

OMB No. 1121-0151
Expires 09-30-93

(The Edward Byrne Memorial State and Local Law Enforcement Assistance Formula Grant Program) FY - 1991

(1) The applicant assures that Federal funds made available under this formula grant will not be used to supplant state or local funds but will be used to increase the amounts of such funds that would, in the absence of Federal funds, be made available for law enforcement activities.

(2) The applicant assures that matching funds required to pay the non-Federal portion of the cost of each program and project, for which grant funds are made available, shall be in addition to funds that would otherwise be made available for law enforcement by the recipients of grant funds and shall be provided on a project-by-project basis. (However, the state may request BJA to approve exceptions such as match on a program-by-program basis, statewide basis, unit of government basis or a combination of the above. The state must include any requests for approval of other than project-by-project match in its application to BJA.)

(3) The applicant assures that the state application, and any amendment thereto, has been submitted for review to the state legislature or its designated body. (For purposes of this section, such application or amendment shall be deemed to be reviewed if the state legislature, or its designated body, does not review such application or amendment within the 30-day period beginning on the date such application or amendment is submitted thereto.)

(4) The applicant assures that the state application and any amendment thereto are made public before submission to BJA and, to the extent provided under state law or established procedure, an opportunity to comment thereon was provided to citizens and to neighborhood and community groups

(5) The applicant assures that following the first fiscal year covered by an application and each fiscal year thereafter, a performance evaluation and assessment report will be submitted to BJA.

(6) The applicant assures that fund accounting, auditing, monitoring, evaluation procedures and suchrecords as BJA shall prescribe shall be provided to assure fiscal control, proper management and efficient disbursement of funds received.

(7) The applicant assures that it shall maintain such data and information and submit such reports in such form at such times and containing such data and information as BJA may reasonably require to administer the program.

(8) The applicant certifies that the programs contained in this application meet all the requirements of the Act and guidelines, that all information contained in the application is correct, that there has been appropriate coordination with affected agencies and that the applicant will comply with all provisions of the Act and all other applicable Federal laws, regulations and guidelines.

(9) The applicant assures that the state is undertaking initiatives to reduce, through the enactment of innovative penalties or increasing law enforcement efforts, the demand for controlled substances by holding accountable those who unlawfully possess or use such substances.

(10) The applicant assures that it will comply with Title V of the Anti-Drug Abuse Act of 1988 and regulations promulgated by the Federal Government to maintain a drug-free workplace.

(11) The applicant assures that within 120 days after issuance of guidance by BJA, the state will establish a plan under which the state will provide without fee to the Immigration and Naturalization Service, within 30 days of the date of their conviction, the certified records of conviction of aliens who have been convicted of violating the criminal laws of the state.

(12) The applicant assures that it will comply, and all its subgrantees and contractors will comply, with the nondiscrimination requirements of the Omnibus Crime Control and Safe Streets Act of 1968, as amended; Title VI of the Civil Rights Act of 1964; Section 504 of the Rehabilitation Act of 1973, as amended; Title IX of the Education Amendments of 1972; the Age Discrimination Act of 1975; the Department of Justice Nondiscrimination Regulations 28 CFR Part 42, Subparts C, D, E and G; and Executive Order 11246, as amended by Executive

Order 11375, and their implementing regulations, 41 CFR Part 60.1 et. seq., as applicable to construction contracts.

(13) The applicant assures that in the event a Federal or state court or administrative agency makes a finding of discrimination after a due process hearing on the grounds of race, color, religion, national origin or sex against a recipient of funds, the recipient will forward a copy of the finding to the Office for Civil Rights, OJP.

(14) The applicant assures that if required to formulate an Equal Employment Opportunity Program (EEOP), in accordance with 28 CFR 42.301 et.seq., it will maintain a current one on file. Further, the applicant will require every fund recipient required to formulate an EEOP, in accordance with the previously cited regulation, to submit a certification to the applicant that it has a current EEOP on file which meets the applicable requirements.

(15) The applicant assures that if required to maintain an EEOP and the applicant agency will directly utilize $500,000 or more in grant funds, it will submit a copy of the subject EEOP at the same time as the application submission, with the understanding that the statewide application for funds may not be awarded prior to approval of the applicant's EEOP by the Office for Civil Rights, OJP. Further, in those instances where a subgrantee is required to maintain an EEOP, the applicant will provide BJA a copy of said EEOP if the proposed subgrant is for $500,000 or more and not award a subgrant until the subgrantee's EEOP has been approved by the Office for Civil Rights, OJP.

(16) The applicant assures that it will comply with the provisions of OJP's M7100.1 Financial and Administrative Guide for Grants.

(17) The applicant assures that it will comply with the provisions of 28 CFR applicable to grants and cooperative agreements, including Part II, Applicability of Office of Management and Budget Circulars; Part 18, Administrative Review Procedures; Part 20, Criminal Justice Information Systems; Part 22, Confidentiality of Identifiable Research and Statistical Information Systems; Part 23, Criminal Intelligence Systems Operating Policies; Part 30, Intergovernmental Review of Department of Justice Programs and Activities; Part 42, Nondiscrimination Equal Employment Opportunity Policies and Procedures; Part 61, Procedures for Implementing the National Environmental Policy Act; and Part 63, Floodplain Management and Wetland Protection Procedures.

(18) The applicant assures that it will submit for review and approval amendments to the application if, as a result of compliance with Executive Order 12372, Intergovernmental Review of Federal Programs, and/or Sec. 503 (a)(5) of the Act (Certified Assurance 4), comments are submitted to the applicant which the applicant feels are sufficiently valid to warrant such change.

CERTIFICATION

I certify that the programs proposed in this application meet all the requirements of the Anti-Drug Abuse Act of 1988, Subtitle C, State and Local Narcotics Control and Justice Assistance Improvements of 1988, Pub. L. 100-690 (Nov. 18,1988), that all the information presented is correct, that there has been appropriate coordination with affected agencies and that the application will comply with the provisions of the Act and all other Federal laws, regulations and guidelines. By appropriate language incorporated in each grant, subgrant or other document under which funds are to be disbursed, the undersigned shall assure the applicable conditions above apply to all recipients of assistance.

_____ _____

Authorized Official Date

PUBLIC REPORTING BURDEN FOR THIS INSTRUMENT FOR COLLECTION OF INFORMATION IS ESTIMATED TO AVERAGE 10 MINUTES PER RESPONSE, INCLUDING THE TIME FOR REVIEWING INSTRUCTIONS, SEARCHING EXISTING DATA SOURCES, GATHERING AND MAINTAINING THE DATA NEEDED, AND COMPLETING AND REVIEWING THE COLLECTION OF INFORMATION. SEND COMMENTS REGARDING THIS BURDEN ESTIMATE OR ANY OTHER ASPECTS OF THIS COLLECTION OF INFORMATION, INCLUDING SUGGESTIONS FOR REDUCING THIS BURDEN, TO THE BUREAU OF JUSTICE ASSISTANCE; AND TO THE PUBLIC USE REPORTS PROJECT, 1121-0151, OFFICE OF INFORMATION AND REGULATORY AFFAIRS, OFFICE OF MANAGEMENT AND BUDGET, WASHINGTON, D.C. 20503.

OMB No. 1121-0151
Expires 09-30-93

Audit Requirements
(Suggested Format)

1. Date of the last audit: _____

2. Dates covered by last audit: _____

3. Date of the next audit: _____

4. Dates to be covered by the next audit: _____

5. Date next audit will be forwarded to cognizant audit agency: _____

6. Designated Federal cognizant agency: _____

PUBLIC REPORTING BURDEN FOR TH[E] INSTRUMENT FOR COLLECTION OF INFORMATION IS ESTIMATED TO AVERAGE 10 MINUTE[S] PER RESPONSE, INCLUDING THE TIME FOR REVIEWING INSTRUCTIONS, SEARCHING EXISTING DATA SOURCES, GATHERING AND MAINTAINING THE DATA NEEDED, AND COMPLETING AND REVIEWING THE COLLECTION OF INFORMATION. SEND COMMENTS REGARDING THIS BURDEN ESTIMATE OR ANY OTHER ASPECTS OF THIS COLLECTION OF INFORMATION, INCLUDING SUGGESTIONS FOR REDUCING THIS BURDEN, TO THE BUREAU OF JUSTICE ASSISTANCE; AND TO THE PUBLIC USE REPORTS PROJECT, 1121-0151, OFFICE OF INFORMATION AND REGULATORY AFFAIRS, OFFICE OF MANAGEMENT AND BUDGET, WASHINGTON, D.C. 20503.

OMB No. 1121-0151
Expires 09-30-93

Civil Rights Requirements

(Suggested Format)

1. Civil Rights Contact Person: _____

2. Title/Address: _____
   _____
   _____

3. Telephone Number: _____

4. Number of persons employed by the organizational unit responsible for administering this grant. _____

PUBLIC REPORTING BURDEN FOR THIS INSTRUMENT FOR COLLECTION OF INFORMATION IS ESTIMATED TO AVERAGE 10 MINUTES PER RESPONSE, INCLUDING THE TIME FOR REVIEWING INSTRUCTIONS, SEARCHING EXISTING DATA SOURCES, GATHERING AND MAINTAINING THE DATA NEEDED, AND COMPLETING AND REVIEWING THE COLLECTION OF INFORMATION. SEND COMMENTS REGARDING THIS BURDEN ESTIMATE OR ANY OTHER ASPECTS OF THIS COLLECTION OF INFORMATION, INCLUDING SUGGESTIONS FOR REDUCING THIS BURDEN, TO THE BUREAU OF JUSTICE ASSISTANCE; AND TO THE PUBLIC USE REPORTS PROJECT, 1121-0151, OFFICE OF INFORMATION AND REGULATORY AFFAIRS, OFFICE OF MANAGEMENT AND BUDGET, WASHINGTON, D.C. 20503.

Questions regarding the EEOP compliance requirements in connection with funding under this program should be addressed directly to the Office of Civil Rights Compliance, Office of Justice Programs, 633 Indiana Avenue, N.W., Washington, D.C. 20531. That Office may be reached at 202/724-7681.

ATTACHMENT A
PROGRAM LIST WORKPLAN

FISCAL YEAR ____ FUNDING

OMB No. 1121-0151
Expires 09-30-93

PAGE NO. _____

STATE: _____ _____

PURPOSE	PROGRAM TITLE	BJA APPROVED PROGRAM PROGRAM BRIEF TITLE OR DATE	NUMBER OF AWARDS	AMOUNT OF FEDERAL FUNDS		MATCH AMOUNT	PASS-THROUGH AMOUNT
				STATE AGENCIES	LOCAL AGENCIES		

Instructions for Completing the Program List Workplan (Attachment A)

The Attachment A provides information on programs which the state plans to fund to implement its strategy.

Purpose

Please indicate the number of the statutory purpose under which this program is being implemented. If this allocation is for the administration of the program, enter "**Admin**" in this column.

Note: Only ONE purpose number may be cited for each program. If a program has multiple components which address more than one purpose area, list the program under the purpose area which describes the major focus of the program.

Program Title

Please provide a list of the programs which are planned for each purpose area. These should be broad program titles, not individual projects. For example, show a single listing for Multi-jurisdictional Task Forces under purpose 2, which could include 1 or 20 separate task force projects. Provide a separate listing for different programs being funded under the same purpose area, such as Marijuana Eradication and Pharmaceutical Diversion under purpose 3.

BJA Approved Program

If this program utilizes a BJA program brief, please indicate the name of the program brief. If the program does not implement a program described in a program brief but has been previously approved by BJA, please indicate the fiscal year the program was approved. If part of the program has been approved and part requires approval, provide two separate entries. For example, the state plans to fund five TASC programs; three to implement the program outlined in the program brief and two to implement a variation of the program. Two entries should be made on the Attachment A with the Program Title "TASC", one showing the amount allocated for those following the program brief and one for the other two programs, which must be approved by BJA.

Number of Awards

Please indicate the estimated number of awards to be made within this program area.

Amount of Federal Funds

Please indicate the amount of Federal funds which have been allocated to state and to local units of government for programs under each program title. Allocations to Indian tribes and/or non-governmental agencies should be shown under the local allocation.

Match Amount

Please enter the amount of matching funds which will be available to support each of the programs. If the state plans to use a method of match other than a project-by-project match, a justification should be attached.

Pass-through Amount

Please indicate the amount of the Federal funds which qualify as part of the required pass-through to local units of government. If the amount to be awarded to local units of government is less than the required pass-through amount, please attach a justification for waiver of the required pass-through.

Program Description

Please attach a program description for each program requiring BJA approval (not following a program brief and not previously approved by BJA). The attachment should include the program title, a description of the program, the objectives, the critical elements of the program design, the indicators which will be used to assess performance and a description of how the program contributes to the implementation of the statewide strategy. If all of the projects implemented under a program title will be required to include similar program elements and objectives, a single program description can used to approve the entire program. If each project will be significantly different, prior approval would have to obtained for each project based on individual program descriptions.

PUBLIC REPORTING BURDEN FOR THIS INSTRUMENT FOR COLLECTION OF INFORMATION IS ESTIMATED TO AVERAGE 1 AND ONE-HALF HOURS PER RESPONSE, INCLUDING THE TIME FOR REVIEWING INSTRUCTIONS, SEARCHING EXISTING DATA SOURCES, GATHERING AND MAINTAINING THE DATA NEEDED, AND COMPLETING AND REVIEWING THE COLLECTION OF INFORMATION. SEND COMMENTS REGARDING THIS BURDEN ESTIMATE OR ANY OTHER ASPECTS OF THIS COLLECTION OF INFORMATION, INCLUDING SUGGESTIONS FOR REDUCING THIS BURDEN, TO THE BUREAU OF JUSTICE ASSISTANCE; AND TO THE PUBLIC USE REPORTS PROJECT, 1121-0151, OFFICE OF INFORMATION AND REGULATORY AFFAIRS, OFFICE OF MANAGEMENT AND BUDGET, WASHINGTON, D.C. 20503.

Appendix D

Development of the Statewide Strategy

Development of the Statewide Strategy

The statewide strategies developed by the states will be instrumental in shaping and determining the success of the national war against drugs. The Edward Byrne Memorial State and Local Law Enforcement Assistance Program provides assistance to improve the functioning of the criminal justice system and to enhance the drug control capabilities at the state and local levels.

The strategy should serve as a comprehensive blueprint for the coordination of drug and violent crime control efforts and the targeting of Federal, state and local resources within the state. Scarce Federal law enforcement resources cannot be expected to address every aspect of the statewide strategy. Therefore, formula grant funds should be used in combination with funds available from other Federal agencies (e.g., State Justice Institute, Department of Health and Human Services, Department of Education and Department of Housing and Urban Development) together with state and local resources. A thorough analysis of the nature and extent of the problem will improve the state's ability to develop a response which results in the greatest impact on the problem.

Increased efforts by one component of the system should be considered in the larger context of its impact on the criminal justice system as a whole. For example, increased enforcement efforts will have little affect without adequate prosecution, adjudication, detention and treatment resources to respond to the increased numbers of drug offenders.

The strategy should also address the problems and resource needs of the various jurisdictions throughout the state. A comprehensive effort is necessary to avoid simply displacing the problem from one jurisdiction to another due to the concentration of drug control efforts in one jurisdiction. It is essential that the state establish procedures which allow local jurisdictions the opportunity to provide input into the development of the strategy and the establishment of program priorities.

A thorough understanding of the problem also requires an analysis of the changing nature of the drug and crime problem. For example, if a new drug is emerging as the drug of preference in the state, control efforts and treatment services may require reorientation. It is important to identify areas within the state with major drug and violent crime problems, such as large cities, border areas, and rural areas where drugs are produced.

The strategy should include goals and objectives to address the problems and resource needs. A plan for implementation of the strategy should include the identification of programs, changes in legislation and administrative procedures and methods to improve coordination and cooperation.

Section I - Overview

Nature and Extent of the Problem

In order to develop an effective drug control and criminal justice system improvement strategy, the state must first define the nature and extent of the drug and violent crime problems in the state and analyze how efficiently and effectively the criminal justice system handles drug and violent crime cases. Definition of the problem should include:

- An assessment of the types and amount of drugs available within the state. Price and purity of the drugs seized should be analyzed as indicators of drug availability
- The level, types, methods and sources of drugs transported into or out of the state
- A definition of the patterns of usage and crime associated with drug use
- Changes in drug use and drug-related crime over time
- Identification of drug distribution networks
- An assessment of the role of crime organizations, ethnic groups, youth gangs and other groups in drug trafficking

- The nature, amount and causes of violent crime (e.g., drug-related).

The drug and violent crime problems are likely to vary across the state. The problems should be defined for the state as a whole and for areas of the state most likely to be experiencing the greatest problem, such as large cities and border areas. At a minimum, a separate analysis should be completed for jurisdictions with populations of 250,000 or more and border areas. Other areas of the state with major drug and violent crime problems should be identified by the state and analyzed separately. Changes in the nature and extent of the problem should be reviewed over time to identify shifting patterns of crime and to assess the impact of the state strategy on the problem.

Current Efforts and Impact of the Strategy (Annual Report Requirements)

Before making decisions on modifications to the state's strategy and the development of new initiatives to address the drug and violent crime problems identified in the previous section, it is important to assess the impact of the current strategy and the effectiveness of current programs. The assessment should address issues such as: the impact of the strategy on the availability and the usage of drugs and the occurrence of violent crime in the state; the effectiveness and efficiency with which drug and violent crime cases are processed by the criminal justice system; the availability and effectiveness of correctional and treatment-related services for violent and drug offenders, and the adequacy of current laws and administrative procedures related to drug and violent crime offenses. The analysis of current efforts should also describe initiatives undertaken in the state to hold drug users accountable for their actions.

This section of the strategy should also address the requirements for an annual report on state activities as defined by the Anti-Drug Abuse Act. The annual report requirements are incorporated into the strategy development process because of the usefulness of this information in identifying necessary modifications to the strategy. The state should include the following information in this section of the strategy:

- A summary of the activities carried out under the formula grant program and an assessment of the impact of such activities on meeting the needs identified in the state strategy
- A summary of the activities carried out during the year under any discretionary grants received by the state
- The evaluation results of programs and projects

Resource Needs

This section of the statewide strategy should identify gaps in services and areas where additional resources are needed to develop a system-wide capability to address the drug and violent crime problems in the state. The resource needs of each component of the criminal justice and juvenile justice systems should be addressed to include enforcement, prosecution, adjudication, corrections and treatment. This section should also address the need for multi-jurisdictional efforts, including Federal, state and local cooperation and interstate efforts.

Areas of Greatest Need

The Act states that "in distributing funds received under this part among urban, rural and suburban units of local government and combinations thereof, the state shall give priority to those jurisdictions of the greatest need." The states should establish criteria and a process for determining areas of greatest need, make them available to local units of government and include a copy in their application to BJA. To assist with the identification of jurisdictions of the greatest need and to define the problem and resource needs in these jurisdictions, states should complete or request that selected jurisdictions complete the data summary forms for the jurisdiction. The strategy submitted with the state's application should contain the data and analysis for the jurisdictions of greatest need, in addition to summary data forms and analysis for the entire state.

The states may find the following criteria, which the Director of the Office of National Drug Control Policy is legislatively directed to consider in determining high intensity drug trafficking areas, useful in developing criteria for areas of greatest need:

- The extent to which the area is a center of illegal drug production, manufacturing, importation or distribution
- The extent to which state and local law enforcement agencies have committed resources

to respond to the drug trafficking problem in the area, thereby indicating a determination to respond aggressively to the problem

- The extent to which drug-related activities in the area are having a harmful impact on other areas of the country
- The extent to which a significant increase in allocation of resources is necessary to respond adequately to drug-related activities in the area

Section II
Description of the Strategy

Strategy for Addressing the Problem

The information and data gathered and analyzed in the definition of the problem, identification of current efforts and gaps in services, identification of jurisdictions of greatest need and analysis of the impact of the current strategy will serve as the basis for the strategy to address the drug problem in the state.

The statewide strategy should include specific and quantified objectives to address various aspects of the problem or problems being addressed. The clear statement of the objectives which the state will pursue facilitates the understanding of the strategy and the assignment of responsibility for implementation.

The "Quantified Two-and-Ten-Year Objectives" contained in the National Drug Control Strategy should serve as a guide and, whenever appropriate, should be incorporated into the statewide strategy.

The strategy should also identify the financial or personnel resources needed to meet the objectives, set priorities for implementing the objectives and allocating resources and establish time frames for accomplishing the objectives. The strategy should also address the use of other state, local and private resources and plans for legislative and administrative changes needed to implement the statewide strategy.

Program priorities for the use of the formula grant funds will flow from the development of this strategy. The strategy should describe the programs and other activities which will be initiated to implement the strategy.

User Accountability

The National Drug Control Strategy states that "to prevent people from using drugs, drug enforcement activities must make it increasingly difficult to engage in any drug activity with impunity. That deterrent, however, will only remain credible so long as pressure is brought to bear on the entire drug market, dealers and users alike. That's why we need a national drug law enforcement strategy that casts a wide net and seeks to ensure that all drug use--whatever its scale--faces the risk of criminal sanction."

The Anti-Drug Abuse Act requires each state to certify that it is undertaking initiatives to reduce, through the enactment of innovative penalties or increasing law enforcement efforts, the demand for controlled substances by holding accountable those who unlawfully possess or use such substances. The strategy should describe the mechanisms the state has or will establish to hold drug users accountable.

Coordination of Drug Control Efforts Within the State

A coordinated response by Federal, state and local criminal justice, education and treatment agencies is required to effectively address the drug abuse problems in this country. This section should describe efforts made by the state to coordinate criminal justice efforts within the state at both the administrative and the operational levels. It should also describe efforts to coordinate program activities initiated under the enforcement, prevention and treatment programs of the Anti-Drug Abuse Act of 1988. Coordination of the three efforts is also required under the prevention program (Drug-Free Schools and Communities Act) and the treatment program (Emergency Substance Abuse Treatment and Rehabilitation Block Grant Program).

Coordination of State and Local Drug Control Efforts With Federal Efforts

The Office of National Drug Control Policy, created by the Anti-Drug Abuse Act of 1988, is required to annually develop a National Drug Control Strategy. In preparing the strategy, that office is required to consult with state and local governments and to review state and local drug control activities to ensure that the United States pursues well-coordinated and effective drug control at all levels of government. Sec. 402 (7) of the Act requires the Director of BJA to prepare and submit recommendations on the state and local drug enforcement component of the National Drug Control Strategy to the Office of National Drug Control Policy. In making such recommendations, the Director shall review the statewide strategies submitted by the states and obtain input from the state and local drug enforcement officials.

The first National Drug Control Strategy was announced by President Bush on September 5, 1989. The Strategy establishes priorities and makes recommendations which impact drug control policies and the criminal justice system at the state and local levels. The application should describe the relationship of the state strategy to the National Drug Control Strategy and how it contributes to implementation of the following recommendations made in the National Strategy:

- Adopt drug-testing programs throughout state criminal justice systems for arrestees, prisoners, parolees and those out on bail
- Increase emphasis on street-level drug law enforcement at the state and local levels
- Develop and implement programs which hold drug-using individuals accountable for their actions, including the vigorous prosecution and use of fines for misdemeanor drug offenses and the increased use of civil penalties (e.g., the loss of professional and drivers licenses, fines and community service)
- Develop and implement intermediate sanctions programs for nonviolent drug offenders, including house arrest and boot camps
- Plan and design courts and correctional institutions to process the increased volume of drug-related cases and incarcerate convicted drug offenders
- Expand programs to eradicate the domestic marijuana crop
- Establish an evaluation capability within the state to evaluate the impact of the statewide drug strategy and programs and projects instituted to implement the strategy

If any of these priorities are not addressed by the state strategy, an explanation of why the state chose not to include this as a priority in the strategy should be provided in the application. The states should consider passing laws similar to those recommended in the Strategy.

The state should also become familiar with and coordinate its efforts with Federal drug control efforts within the state. Federal agencies involved in drug control include the Drug Enforcement Administration, the Federal Bureau of Investigation, U.S. Customs Service, Immigration and Naturalization Service, the Border Patrol and the Bureau of Alcohol, Tobacco and Firearms. The Law Enforcement Coordinating Committees associated with each United States Attorney's Office are required to prepare an annual drug control strategy which should be coordinated with the state strategy.

This section of the state's strategy should describe how the statewide strategy enhances cooperation and avoids duplication of effort.

Evaluation of the Strategy

The state should describe the mechanisms and procedures it has or will establish to evaluate the impact of the strategy on the drug and violent crime problems in the state and to evaluate the programs and projects funded to implement the strategy. This section of the strategy should also summarize the results of completed evaluations and describe the impact of drug control activities on the drug and violent crime problems in the state.

Section III
Data Requirements

The development of a statewide strategy and an assessment of the impact of the strategy on the drug and violent crime problems in the state and Nation will require the collection of certain information. BJA has developed a data summary format to assist the states with the definition of data needs and to facilitate consistency of data for analysis of program impact. The recommended data summary for the state as a whole and for the jurisdictions of greatest need should be included as part of the application for Federal funds. The recommended data summary format follows this section. The states may find it necessary to collect additional information related to specific issues of concern to the state. This additional information should also be included in the strategy.

The information included in the data summary should be updated with each annual application and should be used to analyze progress toward addressing the drug and violent crime problem since the previous year. Improving data availability and quality for use in strategy development and decision-making within the state should be adopted as a long-term goal, and mechanisms should be established to gather needed information in the future. Sources of currently available data which should be explored include: State Statistical Analysis Centers, Uniform Crime Reports, the Law Enforcement Coordinating Committees (associated with each U.S. Attorney's Office), Drug Enforcement Administration, U.S. Coast Guard, U.S. Customs Service, state and local criminal justice and treatment agencies, Community Epidemiological Work Groups, State Drug or Organized Crime Task Forces and statewide criminal justice and treatment associations.

The availability of data will vary among the states, and some of the recommended data may be unavailable. If data is not available on a statewide basis or in a central repository, surveys of criminal justice agencies and/or sampling representative jurisdictions should be considered. When detailed data is available for some jurisdictions but not for all, two forms may be submitted, one showing the detail and one showing the broader total figures. An explanation of any variations to the recommended format should be provided. If information included in the data summary by a state is based on estimates rather than actual data, an explanation of the method for determining the estimate should be included.

The available data may not fit neatly into the categories provided on the forms included in this document. An attempt should be made to follow the format as closely as possible to facilitate the aggregation of data from the various states. However, in some cases a state may have to show one figure to reflect two or more categories because the level of detail requested is not available.

For example in some states opiates and cocaine are identified under a single statutory schedule or drug offenses may be grouped into "sale", "possession" and "other". The data summary form cannot be designed to accommodate all of the variations found in the states. Therefore, each state should enter the data into the forms and provide notes to explain.

The statewide strategy incorporated into the state's application for formula grant funds should include the completed data summary. Narrative information which analyzes and explains the information contained in the forms or which addresses specific issues of concern to the state should also be included.

No application from a state will be denied simply because the recommended data is not available. However, the state should describe its efforts to identify available data and how a determination of the nature and extent of the drug problem was made in the absence of complete data. If the data is incomplete, the application should describe the mechanisms which have been set up or will be established to collect the recommended data in the future.

PUBLIC REPORTING BURDEN FOR THIS COLLECTION OF INFORMATION IS ESTIMATED TO AVERAGE 100 HOURS PER RESPONSE, INCLUDING THE TIME FOR REVIEWING INSTRUCTIONS, SEARCHING EXISTING DATA SOURCES, GATHERING AND MAINTAINING THE DATA NEEDED, AND COMPLETING AND REVIEWING THE COLLECTION OF INFORMATION. SEND COMMENTS REGARDING THIS BURDEN ESTIMATE OR ANY OTHER ASPECTS OF THIS COLLECTION OF INFORMATION, INCLUDING SUGGESTIONS FOR REDUCING THIS BURDEN, TO THE BUREAU OF JUSTICE ASSISTANCE, 633 INDIANA AVE. NW, WASHINGTON, DC 20531; AND TO THE PUBLIC USE REPORTS PROJECT, 1121-0151, OFFICE OF INFORMATION AND REGULATORY AFFAIRS, OFFICE OF MANAGEMENT AND BUDGET, WASHINGTON, D.C. 20503.

DATA SUMMARY FORMS

OMB No. 1121-0151
Expires 09-30-93

Report Period _____

ESTIMATE OF AVAILABILITY OF DRUGS IN THE STATE

Please describe the availability of drugs in the state and the level and type of production, importation and transhipment within the state. Indicate the type of drugs, source of the drugs and any observed changes in availability. Estimates may be derived from a variety of sources, such as a survey of law enforcement agencies, crime laboratory data, DEA Domestic Monitoring and Heroin/Marijuana Signature Programs, household and school surveys, Community Epidemiological Work Group studies, etc. Please indicate the sources of information and the methods used to make the estimates.

PATTERNS OF DRUG TRAFFICKING AND DRUG USE IN THE STATE

Please describe the role of organized crime, motorcycle gangs or other groups in the drug problem in the state. Please distinguish between traditional organized crime (Mafia, La Cosa Nostra, Mob) and non-traditional organized crime (racial or ethnic organized groups).

Please describe any changes in drug use over the past several years, including changes in the drug of preference, such as crack or designer drugs, or changes in age groups using specific drugs.

Please describe patterns for drug use across the state (e.g., does the type and level of drug use vary in different parts of the state).

Report Period _____

DRUG-RELATED INCIDENTS

Please indicate the number of drug-related deaths, accidents and emergency room incidents. For emergency room incidents, please show the number of drug mentions within the chart and indicate the total number of episodes (drug-related visits to an emergency room) in the space provided below the chart. The drug mentions may exceed the number of episodes, as more than one drug may be mentioned.

INCIDENT	MAJOR DRUG INVOLVED							
	OPIATES	COCAINE	CANNABIS	HALLU-CINOGENS	STIMULANTS	DEPRES-SANTS	UNKNOWN/ OTHER	TOTAL
Death								
Emergency Rm. Incident								
Fatal Traffic Accident								
Non-Fatal Traffic Accident								
Drug-Exposed Births								
Total								

Total Emergency Room Episodes _____ Number of Agencies Reporting Deaths _____

Number of Agencies Reporting Emer. Rm. Incidents _____ Percent of Population Served _____

Number of Agencies Reporting Drug-Exposed Births _____

Report Period _____

DRUG-RELATED SCHOOL INCIDENTS

Please indicate the number of drug-related disciplinary actions reported by the schools.

ACTION FOR DRUG USE	TYPE OF DRUG							
	OPIATES	COCAINE	CANNABIS	HALLU-CINOGENS	STIMULANTS	DEPRES-SANTS	UNKNOWN/ OTHER	TOTAL
Suspension								
Expulsion								
ACTION FOR SELLING DRUGS								
Suspension								
Expulsion								
Total								

Number of Agencies Reporting _____ Percent of Population Served _____

Report Period _____

STATE AND LOCAL DRUG ARRESTS

Please indicate the total number of drug-related arrests made by state and local law enforcement agencies in the state during the report period.

OFFENSE	MAJOR DRUG INVOLVED							
	OPIATES	COCAINE	CANNABIS	HALLU-CINOGENS	STIMULANTS	DEPRES-SANTS	UNKNOWN/ OTHER	TOTAL
Buying/ Receiving								
Cultivation/ Manufacture								
Distribution/ Sale								
Operation/ Promoting/ Assisting								
Possession/ Concealing								
Transportation/ Importation								
Consuming/ Using								
Other								
Total								

Number of Agencies Reporting _____ Percent of Population Served _____

Report Period _____

STATE AND LOCAL DRUG ARRESTS MADE WITH FEDERAL COOPERATION

Please indicate the number of arrests (also include above) which were made in cooperation with Federal agencies.

OFFENSE	MAJOR DRUG INVOLVED							
	OPIATES	COCAINE	CANNABIS	HALLU-CINOGENS	STIMULANTS	DEPRES-SANTS	UNKNOWN/ OTHER	TOTAL
Buying/ Receiving								
Cultivation/ Manufacture								
Distribution/ Sale								
Operation/ Promoting/ Assisting								
Possession/ Concealing								
Transportation/ Importation								
Consuming/ Using								
Other								
Total								

Number of Agencies Reporting _____ Percent of Population Served _____

Report Period _____

STATE AND LOCAL DRUG DISPOSITIONS

Please indicate the results, by defendant, of cases reaching disposition during the report period. Because of the time lag between arrest and disposition, the arrests reported in the previous chart and the dispositions reported in this chart may refer to different cases.

	MAJOR DRUG INVOLVED							
DISPOSITION	OPIATES	COCAINE	CANNABIS	HALLU-CINOGENS	STIMULANTS	DEPRES-SANTS	UNKNOWN/ OTHER	TOTAL
Convicted								
Acquitted								
Dismissed								
Declined								
Unknown								
Total								

Number of Agencies Reporting _____ Percent of Population Served _____

Report Period _____

STATE AND LOCAL DRUG CONVICTIONS

Please indicate the number of drug-related convictions within the state during the report period.

	MAJOR DRUG INVOLVED							
OFFENSE	OPIATES	COCAINE	CANNABIS	HALLU-CINOGENS	STIMULANTS	DEPRES-SANTS	UNKNOWN/ OTHER	TOTAL
Buying/ Receiving								
Cultivation/ Manufacture								
Distribution/ Sale								
Operation/ Promoting/ Assisting								
Possession/ Concealing								
Transportation/ Importation								
Consuming/ Using								
Other								
Total								

Number of Agencies Reporting _____ Percent of Population Served _____

Report Period _____

STATE AND LOCAL DRUG SENTENCES

Please indicate the type of sentence for those convicted of drug-related offenses during the report period. If the sentence includes a combination of sentencing alternatives, show the conviction as receiving the most serious sentence. Alternatives are listed in order of seriousness, with prison being the most serious.

	MAJOR DRUG INVOLVED							
ALTERNATIVE	OPIATES	COCAINE	CANNABIS	HALLU-CINOGENS	STIMULANTS	DEPRES-SANTS	UNKNOWN/ OTHER	TOTAL
Prison								
Local Jail								
Probation and Jail								
Community Corrections								
Probation								
Fine								
Suspended Sentence								
Deferred Judgement								
Other								
Total								

Number of Agencies Reporting _____ Percent of Population Served _____

Report Period _____

SENTENCE LENGTH FOR DRUG-RELATED OFFENSES

Please indicate the average sentence length for offenders convicted of drug-related offenses who were sentenced to prison during the report period. Please show the average sentence length in months.

	MAJOR DRUG INVOLVED							
OFFENSE	OPIATES	COCAINE	CANNABIS	HALLU-CINOGENS	STIMULANTS	DEPRES-SANTS	UNKNOWN/ OTHER	TOTAL
Buying/ Receiving								
Cultivation/ Manufacture								
Distribution/ Sale								
Operation/ Promoting/ Assisting								
Possession/ Concealing								
Transportation/ Importation								
Consuming/ Using								
Other								
Total								

Number of Agencies Reporting _____ Percent of Population Served _____

Report Period _____

STATE AND LOCAL TREATMENT RESOURCES

Please indicate the total public drug treatment resources (government operated or contracted) available within the state and resources available to drug offenders during the report period. Also indicate the number of clients served, the average waiting period for admission, and the number of individuals on a waiting list on September 30.

TOTAL DRUG TREATMENT	BED SPACE/SLOTS AVAILABLE	CLIENTS SERVED	AVERAGE WAIT FOR ADMISSION	NUMBER ON WAITING LIST
Self-help				
Inpatient/Hospital-based				
Therapeutic Community				
Residential				
Day Care				
Methadone				
Outpatient Drug-free				
Other				

DRUG TREATMENT RESOURCES DEDICATED TO CRIMINAL JUSTICE CLIENTS	BED SPACE/SLOTS AVAILABLE	CLIENTS SERVED	AVERAGE WAIT FOR ADMISSION
Self-help			
Inpatient/Hospital-based			
Therapeutic Community			
Residential			
Day Care			
Methadone			
Outpatient Drug-free			
Other			
Number of Agencies Reporting _____		Percent of Population Served _____	

DRUG TREATMENT PROGRAMS WITHIN CORRECTIONAL FACILITIES	CLIENTS SERVED IN ADULT FACILITIES	CLIENTS SERVED IN JUVENILE FACILITIES
Self-help		
Education		
Special Programming (eg., therapeutic communities, ethnic programs) *Please describe the types of programs on a separate page.*		
Number of Agencies Reporting _____	Percent of Population Served _____	

Report Period _____

STATE AND LOCAL DRUG SEIZURES

Please indicate the total amount of drugs seized by state and local agencies during the report period. Report opiates and cocaine in kilograms, cannabis in pounds and other drugs in dosages.

TYPE OF DRUG	AMOUNT OF SEIZURE
OPIATES	
Heroin	
Opium	
Morphine	
COCAINE	
Crack	
CANNABIS	
Marijuana	
Hashish	
Hash Oil	
OTHER DRUGS	
Methamphetamines/Amphetamines	
Other Stimulants	
Barbiturates	
Other Depressants	
PCP	
LSD	
Other Hallucinogens	
UNKNOWN/OTHER	
Number of Agencies Reporting _____	Percent of Population Served _____

Report Period _____

STATE AND LOCAL DRUG ERADICATION

Please indicate the amount of marijuana eradicated within the state through state and local efforts. The size of the plot and the means of destruction determine the common method of reporting the amount of drugs eradicated. Please report the number of plants destroyed or the number of acres of marijuana destroyed. Both methods may be used for different plots.

TYPE OF MARIJUANA DESTROYED	AMOUNT OF MARIJUANA DESTROYED
Cultivated	
Wild (Ditchweed)	
Number of Agencies Reporting _____	Percent of Population Served _____

Report Period _____

NON-DRUG ASSETS SEIZURES AND FORFEITURES

Please indicate the number of non-drug assets seized or forfeited involving state and local agencies during the report period and estimated dollar amount of the assets. Please provide the same information for seizures and forfeitures (also included in state and local figures) in which there was Federal assistance.

STATE AND LOCAL AGENCIES	ASSET SEIZURES		ASSET FORFEITURES	
	NUMBER OF SEIZURES	DOLLAR AMOUNT	NUMBER OF FORFEITURES	DOLLAR AMOUNT
Vehicles				
Vessels				
Aircraft				
Currency				
Other Financial Instruments				
Real Property				
Weapons				
Other				
WITH FEDERAL ASSISTANCE				
Vehicles				
Vessels				
Aircraft				
Currency				
Other Financial Instruments				
Real Property				
Weapons				
Other				
Number of Agencies Reporting _____		Percent of Population Served _____		

Report Period _____

STATE AND LOCAL DRUG CONTROL UNITS

Please indicate the number of agencies in the state which have drug control units and the number of full-time equivalent employees (FTE) assigned to the unit.

TYPE OF AGENCY	NUMBER OF AGENCIES WITH DRUG UNITS	FTE ASSIGNED
State Law Enforcement Agency		
Statewide Drug Enforcement Task Force		
Local Law Enforcement Agencies		
Local Drug Enforcement Task Force		
State Prosecutors		
Local Prosecutors		
Number of Agencies Reporting _____	Percent of Population Served _____	

Report Period _____

STATE AND LOCAL ARRESTS AND DISPOSITIONS FOR VIOLENT CRIMES

Please indicate the total number of arrests for violent crimes made by state and local law enforcement agencies in the state during the report period. Also indicate the results, by defendant, of cases reaching disposition during the report period and the type of sentence for those convicted of violent crimes during the report period. If the sentence includes a combination of sentencing alternatives, show the conviction under the most severe sentence. Alternatives are listed in order of seriousness, with prison being the most severe. Because of the time lag between arrest, disposition and sentencing, the total arrest, dispositions and sentences may refer to different cases.

	MURDER AND NON-NEGLIGENT MANSLAUGHTER	FORCIBLE RAPE	ROBBERY	AGGRAVATED ASSAULT	BURGLARY
ARRESTS					
DISPOSITIONS					
Convicted					
Acquitted					
Dismissed					
Declined					
Unknown					
Total					
SENTENCES FOR THOSE CONVICTED					
Prison					
Local Jail					
Community Corrections					
Probation					
Fine					
Suspended Sentence					
Deferred Judgement					
Other					
Total					

Number of Agencies Reporting Arrests _____ Percent of Population Served _____

Number of Agencies Reporting Dispositions _____ Percent of Population Served _____

Number of Agencies Reporting Sentences _____ Percent of Population Served _____

TRAINING AND TECHNICAL ASSISTANCE PRIORITIES

Please identify specific training and technical assistance needed to improve the functioning of the criminal justice system or to enhance the state's drug control efforts, which are not available within the state. Identify the type of training or technical assistance requested, the agency or agencies which would receive the assistance and problem to be addressed.

RESEARCH PRIORITIES

Please identify issues or areas of dilemma impeding the state's drug control efforts or the functioning of the criminal justice system which require research, development of models or other guidance. Please describe each issue and the type of response which would be of assistance to the state.

STATE STRATEGY

Please state clearly the strategy which will be implemented to address the drug problem and violent crime in the state. The strategy should include broad statements, which provide direction and guidance to state and local agencies, on how the state will address the drug and violent crime problems. The statements should be followed by specific goals and objectives to be accomplished through the strategy implementation.

Appendix E

Individual Project Report

APPROVED: OMB NO. 1121-0113 (EXPIRES 12-31-92)

U.S. DEPARTMENT OF JUSTICE

OFFICE OF JUSTICE PROGRAMS
BUREAU OF JUSTICE ASSISTANCE

INDIVIDUAL PROJECT REPORT

This report is to be submitted by the State Office to the Bureau of Justice Assistance within thirty (30) days of the official award of a subgrant to a state agency or local unit of government. The purpose of the report is to capture baseline information on subgrant recipients and projects and in a manner that will ease computerization of the data. Information will be used to report on program activity to the Administration and the Congress and to provide feedback to States.

1. Project Identification Number	2. Federal Fiscal Year of Funds	3. Project Title

4. Subgrantee/Recipient (Agency Name & Address including Zip Code)

Contact Person: _____

5. Project Telephone Number (including area code)

6. Level of Government: (Check one)

___ State ___ City/Town
___ County ___ Indian Tribe
___ N/A

7. Is the project Multi-Jurisdictional?	8. Legislative Purpose	9. Is the project a local pass-through?	10. Congressional District(s) Served (If statewide, enter "All")	11. Total Population of project area

12. BJA Funds $_____ Matching Funds $_____ State ___ Local ___ Other ___

13. Project Award Start Date ___/___/___ Project Award End Date ___/___/___

14. Type of Award (check one)

___ New (first award of BJA funds for this project) ___ Continuation (second or subsequent award of BJA funds)

If award is a continuation, provide previous Project I.D. Number _____

If previously funded, number of months receiving Federal Funding? _____

Questions 15 and 16 ask about the types of agencies that are responsible for the actual implementation of projects. In some cases, the implementing agency is the same as the subgrantee or is a specific component of the subgrantee (i.e., a local police department). In other cases, the implementing agency may be an agency that the subgrantee has contracted with for all or a majority of project operations (a private non-profit agency under contract to a unit of local government).

15. Type of Implementing Agency (Check one)

___ Criminal Justice Gov't Agency ___ Non-Criminal Justice Agency
___ Private Non-Profit Agency ___ Educational Institutions

16. Please check one of the following descriptions of the Implementing Agency:

___ Law Enforcement ___ Prosecution ___ Public Interest/Prof. Org.
___ Prevention/Education ___ Adjudication ___ Corrections
___ Pretrial Service ___ Correctional Institutions ___ Other (describe) _____
___ Treatment _____

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